



Iowa General Assembly
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House Amendment 1684

PAG LIN

1 1 Amend House File 561 as follows:
1 2 #1. Page 9, after line 23 by inserting:
1 3 <Sec. _____. NEW SECTION. 476A.9A Nuclear facilities
1 4 == financial liability == oversight.
1 5 In the event of an accident, natural disaster,
1 6 or other circumstance, condition, or occurrence
1 7 which compromises the safety and security of a
1 8 nuclear generating facility and poses a potential or
1 9 actual threat to public health, safety, or welfare,
1 10 the utility owning such facility shall bear sole
1 11 responsibility for the costs associated with the
1 12 cleanup and disposal of any radioactive material and
1 13 for resulting damages sustained by individuals and
1 14 entities. The utility shall not recover such costs
1 15 through any form of rate increase, and taxpayers
1 16 shall not bear any responsibility for such costs.
1 17 The board may establish a commission to provide
1 18 oversight regarding the aftermath of an incident
1 19 described in this section and to ensure adherence to
1 20 the requirements of this section regarding cleanup,
1 21 disposal, and damages.>
1 22 #2. By renumbering as necessary.

WESSEL=KROESCHELL of Story
HF561.2577 (2) 84
rn/nh



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House Amendment 1685

PAG LIN

1 1 Amend Senate File 313, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 5, after line 10 by inserting:
1 4 <Sec. _____. Section 514I.5, subsection 3, Code 2011,
1 5 is amended to read as follows:
1 6 3. Members appointed by the governor shall
1 7 serve two=year staggered terms as designated by the
1 8 governor, and legislative members of the board shall
1 9 serve two=year terms. The filling of positions
1 10 reserved for the public representatives, vacancies,
1 11 membership terms, payment of compensation and expenses,
1 12 and removal of the members are governed by chapter
1 13 69. Members of the board are entitled to receive
1 14 reimbursement of actual expenses incurred in the
1 15 discharge of their duties. Public members of the
1 16 board are also eligible to receive compensation as
1 17 provided in section 7E.6. A majority of the voting
1 18 members constitutes a quorum and the affirmative vote
1 19 of a majority of the voting members is necessary for
1 20 any substantive action to be taken by the board. The
1 21 members shall select a chairperson on an annual basis
1 22 from among the membership of the board.>
1 23 #2. By renumbering as necessary.

L. MILLER of Scott
SF313.2767 (3) 84
pf/nh



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House Amendment 1686

PAG LIN

1 1 Amend Senate File 313, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 5, after line 10 by inserting:
1 4 <Sec. _____. Section 249J.24A, subsection 1, Code
1 5 2011, is amended to read as follows:
1 6 1. A nonparticipating provider may be reimbursed
1 7 for covered expansion population services provided to
1 8 an expansion population member ~~by a nonparticipating~~
~~1 9 provider if the nonparticipating provider contacts the~~
~~1 10 appropriate participating provider prior to providing~~
~~1 11 covered services to verify consensus regarding one of~~
~~1 12 the following courses of action if any of the following~~
1 13 conditions is met:
1 14 a. ~~If the nonparticipating provider and the~~
~~1 15 participating provider agree that the medical status~~
~~1 16 of the expansion population member indicates it~~
~~1 17 is medically possible to postpone provision of~~
~~1 18 services, the nonparticipating provider shall direct~~
~~1 19 the expansion population member to the appropriate~~
~~1 20 participating provider for services.~~
1 21 ~~b.~~ a. If the nonparticipating provider ~~and the~~
~~1 22 participating provider agree~~ determines that the
1 23 medical status of the expansion population member
1 24 indicates it is not medically ~~possible~~ advisable to
1 25 postpone provision of services, the nonparticipating
1 26 provider shall provide medically necessary services.
1 27 ~~e.~~ b. If the nonparticipating provider and the
1 28 participating provider agree that transfer of the
1 29 expansion population member is not possible due to lack
1 30 of available inpatient capacity, the nonparticipating
1 31 provider shall provide medically necessary services.
1 32 ~~d.~~ c. If the medical status of the expansion
1 33 population member indicates a medical emergency and the
1 34 nonparticipating provider is not able to contact the
1 35 appropriate participating provider prior to providing
1 36 medically necessary services, the nonparticipating
1 37 provider shall document the medical emergency
1 38 and inform the appropriate participating provider
1 39 immediately after the member has been stabilized of any
1 40 covered services provided.
1 41 Sec. _____. Section 249J.24A, subsection 2, paragraph
1 42 a, Code 2011, is amended to read as follows:
1 43 a. If the nonparticipating provider meets
1 44 the requirements specified in subsection 1, the
1 45 nonparticipating provider shall be reimbursed for
1 46 covered expansion population services, limited to
1 47 emergency and other inpatient hospital services
1 48 provided to the expansion population member up to the
1 49 point of transfer to another provider, discharge,
1 50 or transfer to another level of care, through the



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House Amendment 1686 continued

2 1 nonparticipating provider reimbursement fund in
2 2 accordance with rules adopted by the department of
2 3 human services. However, any funds received from
2 4 participating providers, appropriated to participating
2 5 providers, or deposited in the IowaCare account
2 6 pursuant to section 249J.24, shall not be transferred
2 7 or appropriated to the nonparticipating provider
2 8 reimbursement fund or otherwise used to reimburse
2 9 nonparticipating providers.>
2 10 #2. By renumbering as necessary.

HEATON of Henry
SF313.2809 (3) 84
pf/nh



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House Amendment 1687

PAG LIN

1 1 Amend House File 686 as follows:
1 2 #1. Page 2, by striking lines 10 through 20 and
1 3 inserting <2011. The task force shall adopt rules
1 4 for the operation of the task force. The task force
1 5 shall determine any possible efficiencies in marketing
1 6 or advertising expenditures, and upon a unanimous
1 7 vote of the task force may agree to collaborations in
1 8 marketing or advertising expenditures if the task force
1 9 determines that marketing or advertising efficiencies
1 10 can be reached by such collaboration. A state agency
1 11 that is a member of the task force may, subject to any
1 12 other provision or limitation of law, implement such
1 13 collaborations agreed to by a unanimous vote of the
1 14 task force.>

WAGNER of Linn

RUNNING=MARQUARDT of Linn
HF686.2823 (1) 84
aw/tm



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House Amendment 1688

PAG LIN

1 1 Amend Senate File 313, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <DIVISION I
1 5 MEDICAL ASSISTANCE ==== GENERAL PROVISIONS>
1 6 #2. Page 5, after line 10 by inserting:
1 7 <DIVISION II
1 8 MEDICAID PRESCRIPTION DRUGS
1 9 Sec. _____. Section 249A.20A, subsection 4, Code
1 10 2011, is amended to read as follows:
1 11 4. With the exception of drugs prescribed for the
1 12 treatment of human immunodeficiency virus or acquired
1 13 immune deficiency syndrome, transplantation, or cancer
1 14 and drugs prescribed for mental illness with the
1 15 exception of drugs and drug compounds that do not
1 16 have a significant variation in a therapeutic profile
1 17 or side effect profile within a therapeutic class,
1 18 prescribing and dispensing of prescription drugs not
1 19 included on the preferred drug list shall be subject to
1 20 prior authorization.
1 21 Sec. _____. 2010 Iowa Acts, chapter 1031, section
1 22 348, is amended to read as follows:
1 23 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
1 24 PRESCRIBING.
1 25 ~~4.~~ The department shall adopt rules pursuant
1 26 to chapter 17A to restrict physicians and other
1 27 prescribers to prescribing not more than a 72-hour
1 28 or three-day supply of a prescription drug not
1 29 included on the medical assistance preferred drug list
1 30 while seeking approval to continue prescribing the
1 31 medication.
1 32 ~~2. Notwithstanding subsection 1, the department~~
~~1 33 shall adopt rules pursuant to chapter 17A to restrict a~~
~~1 34 physician or other prescriber prescribing a chemically~~
~~1 35 unique mental health prescription drug to prescribing~~
~~1 36 not more than a seven-day supply of the prescription~~
~~1 37 drug while requesting approval to continue to prescribe~~
~~1 38 the medication. The rules shall provide that if~~
~~1 39 an approval or disapproval is not received by the~~
~~1 40 physician or other prescriber within 48 hours of the~~
~~1 41 request, the request is deemed approved.~~
1 42 Sec. _____. REPEAL. 2010 Iowa Acts, chapter 1031,
1 43 section 349, is repealed.
1 44 Sec. _____. RESCINDING AND ADOPTION OF RULES. The
1 45 department of human services shall rescind the rules
1 46 adopted pursuant to 2010 Iowa Acts, chapter 1031,
1 47 section 347, chapter 1031, section 349, subsection
1 48 2, and chapter 1031, section 349, and shall instead
1 49 adopt emergency rules under section 17A.4, subsection
1 50 3, and section 17A.5, subsection 2, paragraph "b",



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House Amendment 1688 continued

2 1 to implement section 249A.20A, as amended in this
2 2 division of this Act, and the rules shall be effective
2 3 immediately upon filing and retroactively applicable to
2 4 January 1, 2011, unless a later date is specified in
2 5 the rules. Any rules adopted in accordance with this
2 6 section shall also be published as a notice of intended
2 7 action as provided in section 17A.4.
2 8 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
2 9 APPLICABILITY. This division of this Act, being deemed
2 10 of immediate importance, takes effect upon enactment
2 11 and applies retroactively to January 1, 2011.>
2 12 #3. Title page, line 2, after <provisions> by
2 13 inserting <and providing effective date and retroactive
2 14 applicability provisions>
2 15 #4. By renumbering as necessary.

SCHULTE of Linn
SF313.2826 (1) 84
pf/nh



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House Amendment 1689

PAG LIN

1 1 Amend House File 561 as follows:
1 2 #1. By striking page 6, line 35, through page 7,
1 3 line 8.
1 4 #2. Page 7, after line 16 by inserting:
1 5 <(f) Notwithstanding any other provision to the
1 6 contrary, cost recovery under the ratemaking principles
1 7 established in this section shall be limited to a
1 8 revenue increase applied in the same percentage amount
1 9 to each customer class and designed to recover, on
1 10 an annual basis, not more than five-tenths of one
1 11 percent of the electric utility's previous calendar
1 12 year revenues attributable to billed base rates in this
1 13 state.>
1 14 #3. By renumbering as necessary.

KAJTAZOVIC of Black Hawk
HF561.2520 (1) 84
rn/nh



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House Amendment 1690

PAG LIN

1 1 Amend Senate File 519, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 5, by striking lines 28 through 32 and
1 4 inserting <maintained by the governing board of the
1 5 organization and required or authorized to be kept
1 6 confidential by law.
1 7 (2) Discussions with, or the work product of, an
1 8 attorney of the governing board of the organization
1 9 required or authorized to be kept confidential by law.>
1 10 #2. By renumbering as necessary.

HAGENOW of Polk

PETERSEN of Polk
SF519.2775 (1) 84
kh/rj



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House Amendment 1691

PAG LIN

1 1 Amend Senate File 519, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, lines 1 and 2, by striking <in the same
1 4 manner as school corporations>

HAGENOW of Polk
SF519.2781 (1) 84
kh/rj



Iowa General Assembly
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House Resolution 51 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY PAULSEN, UPMEYER, and McCARTHY

1 1 A Resolution honoring the service, courage, and
1 2 sacrifice of United States Army Staff Sergeant
1 3 Salvatore Augustine Giunta.
1 4 WHEREAS, Salvatore Augustine Giunta is a life=long
1 5 Iowan, born in Clinton and raised in Cedar Rapids and
1 6 Hiawatha; and
1 7 WHEREAS, Staff Sergeant Giunta enlisted in the
1 8 United States Army in 2003 and has served two tours of
1 9 duty in Afghanistan; and
1 10 WHEREAS, on October 25, 2007, Staff Sergeant Giunta
1 11 was in the desolate Korengal Valley in Afghanistan as
1 12 part of a patrol with other soldiers of Company B, 2nd
1 13 Battalion, 503rd Infantry Regiment, 173rd Airborne
1 14 Brigade, United States Army; and
1 15 WHEREAS, when ambushed by heavily armed Taliban
1 16 insurgents, Staff Sergeant Giunta acted only for the
1 17 protection of his wounded comrades, engaging the enemy,
1 18 pulling the wounded from the line of fire, and rescuing
1 19 a wounded soldier from certain capture; and
1 20 WHEREAS, the Medal of Honor is the highest award
1 21 for valor in action against an enemy force which can
1 22 be bestowed upon a soldier serving in the armed forces
1 23 of the United States; and
1 24 WHEREAS, for his selfless and courageous actions
1 25 Staff Sergeant Giunta was awarded the Medal of Honor by
1 26 President Barack Obama on November 16, 2010; and
1 27 WHEREAS, Staff Sergeant Giunta is the first living
1 28 Medal of Honor recipient since Vietnam; NOW THEREFORE,



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House Resolution 51 - Introduced continued

2 1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
2 2 the House of Representatives, on behalf of all Iowans,
2 3 honors our state's native son Salvatore Augustine
2 4 Giunta, a soldier both courageous and humble, whose
2 5 actions bring honor to himself and all the soldiers of
2 6 the 173rd Airborne Brigade, and expresses its gratitude
2 7 for his service to his comrades and his country.

LSB 1382YH (6) 84

jr/rj



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Senate Amendment 3289

PAG LIN

1 1 Amend House File 648, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5
1 6 <DIVISION I
1 7 REBUILD IOWA INFRASTRUCTURE FUND
1 8 Section 1. There is appropriated from the rebuild
1 9 Iowa infrastructure fund to the following departments
1 10 and agencies for the following fiscal years, the
1 11 following amounts, or so much thereof as is necessary,
1 12 to be used for the purposes designated:
1 13 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
1 14 For projects related to major repairs and major
1 15 maintenance and for state buildings and facilities:
1 16 FY 2011=2012..... \$ 3,000,000
1 17 a. Of the amount appropriated in this subsection,
1 18 \$25,000 shall be allocated for the restoration and
1 19 maintenance of the Japanese bell and bell house
1 20 monument on the state capitol complex grounds and of
1 21 the allocated amount, \$15,000 shall be deposited in the
1 22 monument maintenance account established under section
1 23 8A.321, subsection 14, to be used by the department
1 24 for the ongoing maintenance and repair of the Japanese
1 25 bell and bell house monument and surrounding gardens
1 26 located on the state capitol complex. The remaining
1 27 \$10,000 of the amount allocated in this paragraph
1 28 shall be used for the purchase of a plaque and site
1 29 improvements. Any moneys remaining from the \$10,000
1 30 after the purchase of the plaque and site improvements
1 31 shall be deposited in the monument maintenance account
1 32 and, notwithstanding section 8.33, shall not revert but
1 33 shall remain available indefinitely in the account and
1 34 be available for the uses identified in this paragraph.
1 35 b. Of the amount appropriated in this subsection,
1 36 \$1,200,000 shall be allocated for exterior repairs and
1 37 related improvements to the state historical building.
1 38 c. The department may use any remaining amounts
1 39 appropriated in this subsection for routine maintenance
1 40 as necessary, notwithstanding section 8.57, subsection
1 41 6, paragraph "c".
1 42 2. DEPARTMENT FOR THE BLIND
1 43 For replacement of air handlers and related
1 44 improvements:
1 45 FY 2011=2012..... \$ 1,065,674
1 46 3. DEPARTMENT OF CORRECTIONS
1 47 a. For the construction project and one-time
1 48 furniture, fixture, and equipment costs at Fort
1 49 Madison:
1 50 FY 2011=2012..... \$ 5,155,077
FY 2012=2013..... \$ 18,269,124



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Senate Amendment 3289 continued

2 1 FY 2013=2014..... \$ 3,000,000
2 2 b. For the construction project and one-time
2 3 equipment costs at the Iowa correctional facility for
2 4 women at Mitchellville:
2 5 FY 2011=2012..... \$ 3,361,556
2 6 FY 2012=2013..... \$ 5,391,062
2 7 FY 2013=2014..... \$ 26,769,040
2 8 4. DEPARTMENT OF CULTURAL AFFAIRS
2 9 a. For deposit into the Iowa great places program
2 10 fund created in section 303.3D for Iowa great places
2 11 program projects that meet the definition of the term
2 12 "vertical infrastructure" in section 8.57, subsection
2 13 6, paragraph "c":
2 14 FY 2011=2012..... \$ 1,000,000
2 15 b. For the construction of a public art project to
2 16 honor the founders of the Iowa national bar association
2 17 to be located on a riverwalk in a central Iowa city
2 18 with a population between one hundred ninety-five
2 19 thousand and two hundred five thousand as determined by
2 20 the 2010 federal decennial census:
2 21 FY 2011=2012..... \$ 300,000
2 22 c. For grants for a cultural community grant
2 23 program, notwithstanding section 8.57, subsection 6,
2 24 paragraph "c":
2 25 FY 2012=2013..... \$ 150,000
2 26 The department shall establish a cultural community
2 27 grant program to provide grants for a cultural and
2 28 educational center to showcase an immigrant community
2 29 from Laos and Vietnam and their cultures. The
2 30 department shall distribute the grants on a competitive
2 31 basis to communities with an approved plan for the
2 32 establishment of the cultural center. Applications
2 33 must be submitted to the department no later than July
2 34 15, 2012.
2 35 5. DEPARTMENT OF ECONOMIC DEVELOPMENT
2 36 a. For accelerated career education program capital
2 37 projects at community colleges that are authorized
2 38 under chapter 260G and that meet the definition of
2 39 vertical infrastructure in section 8.57, subsection 6,
2 40 paragraph "c":
2 41 FY 2011=2012..... \$ 5,000,000
2 42 b. For equal distribution to regional sports
2 43 authority districts certified by the department
2 44 pursuant to section 15E.321, notwithstanding section
2 45 8.57, subsection 6, paragraph "c":
2 46 FY 2011=2012..... \$ 500,000
2 47 c. For costs associated with the renovation,
2 48 expansion, and improvements of exhibits as part of a
2 49 zoo capital campaign located in a central Iowa city
2 50 with a population between one hundred ninety-five



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Senate Amendment 3289 continued

3 1 thousand and two hundred five thousand as determined by
3 2 the 2010 federal decennial census:
3 3 FY 2011=2012..... \$ 500,000
3 4 d. For the development of a master plan, including
3 5 administration and support staff costs, for a street
3 6 revitalization improvement project for the Ingersoll
3 7 corridor in a central Iowa city with a population
3 8 between one hundred ninety-five thousand and two
3 9 hundred five thousand as determined by the 2010 federal
3 10 decennial census, notwithstanding section 8.57,
3 11 subsection 6, paragraph "c":
3 12 FY 2011=2012..... \$ 100,000
3 13 e. For interior and exterior renovations and
3 14 repairs, including improved energy efficiencies and
3 15 compliance with the federal Americans with Disabilities
3 16 Act, for cabins at a year-round camp for persons with
3 17 disabilities in a central Iowa city with a population
3 18 between one hundred ninety-five thousand and two
3 19 hundred five thousand as determined by the 2010 federal
3 20 decennial census:
3 21 FY 2011=2012..... \$ 250,000
3 22 f. For administration and support of the world
3 23 food prize including the Borlaug/Ruan scholar program,
3 24 notwithstanding section 8.57, subsection 6, paragraph
3 25 "c":
3 26 FY 2011=2012..... \$ 100,000
3 27 6. DEPARTMENT OF EDUCATION
3 28 a. To the public broadcasting division for the
3 29 purchase of a building in a city with a population
3 30 between seventeen thousand two hundred and seventeen
3 31 thousand three hundred as determined by the 2010
3 32 federal decennial census:
3 33 FY 2011=2012..... \$ 1,255,550
3 34 b. For major renovation and major repair needs,
3 35 including health, life, and fire safety needs and for
3 36 compliance with the federal Americans with Disabilities
3 37 Act, for state buildings and facilities under the
3 38 purview of the community colleges:
3 39 FY 2011=2012..... \$ 1,000,000
3 40 7. DEPARTMENT OF HUMAN SERVICES
3 41 For the renovation and construction of certain
3 42 nursing facilities, consistent with the provisions of
3 43 chapter 249K:
3 44 FY 2011=2012..... \$ 285,000
3 45 8. DEPARTMENT OF NATURAL RESOURCES
3 46 a. For floodplain management and dam safety,
3 47 notwithstanding section 8.57, subsection 6,
3 48 paragraph "c":
3 49 FY 2011=2012..... \$ 2,000,000
3 50 Of the amounts appropriated in this lettered



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Senate Amendment 3289 continued

4 1 paragraph, up to \$400,000 is authorized for stream
4 2 gages to be used for tracking and predicting flood
4 3 events and for compiling necessary data relating to
4 4 flood frequency analysis.
4 5 b. For implementation of lake projects that
4 6 have established watershed improvement initiatives
4 7 and community support in accordance with the
4 8 department's annual lake restoration plan and report,
4 9 notwithstanding section 8.57, subsection 6, paragraph
4 10 "c":
4 11 FY 2011=2012..... \$ 5,000,000
4 12 Of the amount appropriated in this lettered
4 13 paragraph, \$350,000 shall be allocated for a lake with
4 14 public access that has the support of a benefited
4 15 lake district located in a county with a population
4 16 between seventeen thousand seven hundred and seventeen
4 17 thousand eight hundred as determined by the 2010
4 18 federal decennial census. The allocated moneys shall
4 19 be used for purposes of completing a preconstruction
4 20 dam restoration study that would include a geotechnical
4 21 evaluation, hydrological studies, restoration
4 22 alternatives, and construction specifications.
4 23 c. For the administration of a water trails and
4 24 low head dam public hazard statewide plan, including
4 25 salaries, support, maintenance, and miscellaneous
4 26 purposes, notwithstanding section 8.57, subsection 6,
4 27 paragraph "c":
4 28 FY 2011=2012..... \$ 75,000
4 29 d. For costs associated with the hiring and
4 30 employment of an asset manager at Honey creek resort
4 31 state park, notwithstanding section 8.57, subsection
4 32 6, paragraph "c":
4 33 FY 2011=2012..... \$ 100,000
4 34 9. DEPARTMENT OF PUBLIC DEFENSE
4 35 a. For major maintenance projects at national guard
4 36 armories and facilities:
4 37 FY 2011=2012..... \$ 1,500,000
4 38 b. For renovation and facility improvements at the
4 39 Muscatine readiness center:
4 40 FY 2011=2012..... \$ 100,000
4 41 c. For construction improvement projects at
4 42 statewide readiness centers:
4 43 FY 2011=2012..... \$ 1,800,000
4 44 d. For construction upgrades at Camp Dodge
4 45 including sanitary system and sewer system
4 46 improvements:
4 47 FY 2011=2012..... \$ 1,000,000
4 48 e. For renovation, repair, and related improvements
4 49 at the joint forces headquarters building:
4 50 FY 2011=2012..... \$ 1,000,000



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Senate Amendment 3289 continued

5 1 10. DEPARTMENT OF PUBLIC HEALTH
5 2 For a grant to a national affiliated volunteer
5 3 eye organization that has an established program for
5 4 children and adults and that is solely dedicated to
5 5 preserving sight and preventing blindness through
5 6 education, nationally certified vision screening and
5 7 training, and community and patient service programs,
5 8 notwithstanding section 8.57, subsection 6, paragraph
5 9 "c":
5 10 FY 2011=2012..... \$ 100,000
5 11 11. DEPARTMENT OF PUBLIC SAFETY
5 12 To develop a public=private partnership for the
5 13 provision of a statewide public safety radio network
5 14 and the purchase of compatible radio communications
5 15 equipment with the goal of achieving compliance with
5 16 the federal communications commission's narrowbanding
5 17 mandate deadline, and "interoperability" as defined in
5 18 section 80.28, notwithstanding section 8.57, paragraph
5 19 "c":
5 20 FY 2011=2012..... \$ 2,500,000
5 21 FY 2012=2013..... \$ 2,500,000
5 22 FY 2013=2014..... \$ 2,500,000
5 23 On or before January 13, 2012, the department of
5 24 public safety shall provide a report to the legislative
5 25 services agency and the department of management.
5 26 The report shall include the estimated needs of the
5 27 departments of public safety, corrections, and natural
5 28 resources to achieve interoperability and meet the
5 29 federal narrowbanding mandate, any changes in estimated
5 30 costs to meet those needs, and the status of requests
5 31 for proposals to develop a public=private partnership.
5 32 12. BOARD OF REGENTS
5 33 a. For allocation by the state board of regents to
5 34 the state university of Iowa, the Iowa state university
5 35 of science and technology, and the university of
5 36 northern Iowa to reimburse the institutions for
5 37 deficiencies in the operating funds resulting from
5 38 the pledging of tuition, student fees and charges,
5 39 and institutional income to finance the cost of
5 40 providing academic and administrative buildings and
5 41 facilities and utility services at the institutions,
5 42 notwithstanding section 8.57, subsection 6, paragraph
5 43 "c":
5 44 FY 2011=2012..... \$ 24,305,412
5 45 b. For the Iowa flood center at the state
5 46 university of Iowa for use by the university's
5 47 college of engineering, pursuant to section 466C.1,
5 48 notwithstanding section 8.57, subsection 6, paragraph
5 49 "c":
5 50 FY 2011=2012..... \$ 1,300,000



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Senate Amendment 3289 continued

6 1 c. For construction, renovation, and related
6 2 improvements for phase II of the agricultural and
6 3 biosystems engineering complex, including classrooms,
6 4 laboratories, and offices at Iowa state university of
6 5 science and technology:
6 6 FY 2011=2012..... \$ 2,000,000
6 7 FY 2012=2013..... \$ 19,800,000
6 8 FY 2013=2014..... \$ 20,000,000
6 9 FY 2014=2015..... \$ 18,600,000
6 10 d. For the renovation and related improvements to
6 11 the dental science building at the state university
6 12 of Iowa including but not limited to renovation of
6 13 clinical spaces and development of a multidisciplinary
6 14 clinical area:
6 15 FY 2011=2012..... \$ 2,000,000
6 16 FY 2012=2013..... \$ 11,000,000
6 17 FY 2013=2014..... \$ 8,000,000
6 18 FY 2014=2015..... \$ 8,000,000
6 19 e. For renovation and related improvements for
6 20 Bartlett hall at the university of northern Iowa
6 21 including providing faculty offices, seminar rooms,
6 22 and laboratories in the building and the associated
6 23 demolition of Baker hall:
6 24 FY 2011=2012..... \$ 2,000,000
6 25 FY 2012=2013..... \$ 7,286,000
6 26 FY 2013=2014..... \$ 9,767,000
6 27 FY 2014=2015..... \$ 1,947,000
6 28 13. DEPARTMENT OF TRANSPORTATION
6 29 a. For acquiring, constructing, and improving
6 30 recreational trails within the state:
6 31 FY 2011=2012..... \$ 2,500,000
6 32 Of the amount appropriated in this lettered
6 33 paragraph "a", \$500,000 shall be allocated for the
6 34 development of a connecting trail and for bicycle
6 35 boulevard improvements in a central Iowa city with a
6 36 population between one hundred ninety=five thousand and
6 37 two hundred five thousand as determined by the 2010
6 38 federal decennial census.
6 39 Of the amount appropriated in this lettered
6 40 paragraph "a", \$112,000 shall be allocated for the
6 41 planning and development of the Iowa portion of the
6 42 Mississippi river trail located in a county with a
6 43 population between forty=two thousand and forty=three
6 44 thousand in the latest preceding certified federal
6 45 census and a county with a population between one
6 46 hundred sixty thousand and one hundred seventy=five
6 47 thousand in the latest preceding certified federal
6 48 census.
6 49 b. For deposit into the public transit
6 50 infrastructure grant fund created in section 324A.6A,



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7 1 for projects that meet the definition of "vertical
7 2 infrastructure" in section 8.57, subsection 6,
7 3 paragraph "c":
7 4 FY 2011=2012..... \$ 1,500,000
7 5 c. For infrastructure improvements at the
7 6 commercial service airports within the state:
7 7 FY 2011=2012..... \$ 1,500,000
7 8 d. For infrastructure improvements at general
7 9 aviation airports within the state:
7 10 FY 2011=2012..... \$ 750,000
7 11 e. For a quiet zone study in a central Iowa city
7 12 with a population between one hundred ninety=five
7 13 thousand and two hundred five thousand as determined
7 14 by the 2010 federal decennial census, notwithstanding
7 15 section 8.57, subsection 6, paragraph "c":
7 16 FY 2011=2012..... \$ 100,000
7 17 Upon completion of the study, the city shall submit
7 18 a report to the legislative services agency detailing
7 19 the results of the study as well as plans to implement
7 20 the study.
7 21 14. TREASURER OF STATE
7 22 For distribution in accordance with chapter 174 to
7 23 qualified fairs which belong to the association of Iowa
7 24 fairs for county fair infrastructure improvements:
7 25 FY 2011=2012..... \$ 1,060,000
7 26 15. DEPARTMENT OF VETERANS AFFAIRS
7 27 a. For transfer to the Iowa finance authority for
7 28 the continuation of the home ownership assistance
7 29 program for persons who are or were eligible members
7 30 of the armed forces of the United States, pursuant to
7 31 section 16.54, notwithstanding section 8.57, subsection
7 32 6, paragraph "c":
7 33 FY 2011=2012..... \$ 1,000,000
7 34 b. For the Iowa veterans home to upgrade generator
7 35 emissions controls to meet required stack emissions for
7 36 four generators and related improvements:
7 37 FY 2011=2012..... \$ 750,000
7 38 Sec. 2. REVERSION. For purposes of section 8.33,
7 39 unless specifically provided otherwise, unencumbered
7 40 or unobligated moneys made from an appropriation in
7 41 this division of this Act shall not revert but shall
7 42 remain available for expenditure for the purposes
7 43 designated until the close of the fiscal year that ends
7 44 three years after the end of the fiscal year for which
7 45 the appropriation is made. However, if the project
7 46 or projects for which such appropriation was made are
7 47 completed in an earlier fiscal year, unencumbered or
7 48 unobligated moneys shall revert at the close of that
7 49 same fiscal year.
7 50

DIVISION II



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8 1 TECHNOLOGY REINVESTMENT FUND
8 2 Sec. 3. There is appropriated from the technology
8 3 reinvestment fund created in section 8.57C to the
8 4 following departments and agencies for the following
8 5 fiscal years, the following amounts, or so much
8 6 thereof as is necessary, to be used for the purposes
8 7 designated:
8 8 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
8 9 For technology improvement projects:
8 10 FY 2011=2012..... \$ 1,557,904
8 11 2. DEPARTMENT OF CORRECTIONS
8 12 For costs associated with the Iowa corrections
8 13 offender network data system:
8 14 FY 2011=2012..... \$ 500,000
8 15 3. DEPARTMENT OF EDUCATION
8 16 a. For maintenance and lease costs associated with
8 17 connections for part III of the Iowa communications
8 18 network:
8 19 FY 2011=2012..... \$ 2,727,000
8 20 b. For the implementation of an educational data
8 21 warehouse that will be utilized by teachers, parents,
8 22 school district administrators, area education agency
8 23 staff, department of education staff, and policymakers:
8 24 FY 2011=2012..... \$ 600,000
8 25 The department may use a portion of the moneys
8 26 appropriated in this lettered paragraph for an
8 27 e=transcript data system capable of tracking students
8 28 throughout their education via interconnectivity with
8 29 multiple schools.
8 30 4. DEPARTMENT OF HUMAN RIGHTS
8 31 For the cost of equipment and computer software
8 32 for the implementation of Iowa's criminal justice
8 33 information system:
8 34 FY 2011=2012..... \$ 1,689,307
8 35 5. DEPARTMENT OF HUMAN SERVICES
8 36 For the purchase of software and for training costs
8 37 associated with the purchase of the software for a
8 38 community-based, nonprofit, nonresidential program
8 39 serving persons with disabilities, notwithstanding
8 40 section 8.57C, subsection 2:
8 41 FY 2011=2012..... \$ 11,000
8 42 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
8 43 COMMISSION
8 44 For replacement of equipment for the Iowa
8 45 communications network:
8 46 FY 2011=2012..... \$ 2,237,653
8 47 The commission may continue to enter into contracts
8 48 pursuant to section 8D.13 for the replacement of
8 49 equipment and for operation and maintenance costs of
8 50 the network.



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9 1 In addition to funds appropriated in this
9 2 subsection, the commission may use a financing
9 3 agreement entered into by the treasurer of state in
9 4 accordance with section 12.28 for the replacement
9 5 of equipment for the network. For purposes of this
9 6 subsection, the treasurer of state is not subject to
9 7 the maximum principal limitation contained in section
9 8 12.28, subsection 6. Repayment of any amounts financed
9 9 shall be made from receipts associated with fees
9 10 charged for use of the network.

9 11 7. DEPARTMENT OF MANAGEMENT
9 12 To develop a searchable database that can be placed
9 13 on the internet for budget and financial information:
9 14 FY 2011=2012..... \$ 580,000

9 15 8. DEPARTMENT OF PUBLIC SAFETY
9 16 a. For transfer to a firefighter association in a
9 17 county with a population between ninety thousand and
9 18 ninety=five thousand as determined by the 2010 federal
9 19 decennial census for a driving simulator to enhance the
9 20 association's emergency vehicle operations course:
9 21 FY 2011=2012..... \$ 80,000

9 22 b. For the purchase of an emergency diesel
9 23 generator for radio communications for a county with
9 24 a population between seventeen thousand and seventeen
9 25 thousand one hundred fifty as determined by the 2010
9 26 federal decennial census:
9 27 FY 2011=2012..... \$ 20,000

9 28 Sec. 4. REVERSION. For purposes of section 8.33,
9 29 unless specifically provided otherwise, unencumbered
9 30 or unobligated moneys made from an appropriation in
9 31 this division of this Act shall not revert but shall
9 32 remain available for expenditure for the purposes
9 33 designated until the close of the fiscal year that ends
9 34 three years after the end of the fiscal year for which
9 35 the appropriation is made. However, if the project
9 36 or projects for which such appropriation was made are
9 37 completed in an earlier fiscal year, unencumbered or
9 38 unobligated moneys shall revert at the close of that
9 39 same fiscal year.

9 40 DIVISION III
9 41 REVENUE BONDS CAPITALS
9 42 FUND ==== APPROPRIATIONS

9 43 Sec. 5. There is appropriated from the revenue
9 44 bonds capitals fund created in section 12.88, to the
9 45 department of corrections for the fiscal year beginning
9 46 July 1, 2011, and ending June 30, 2012, the following
9 47 amount, or so much thereof as is necessary, to be used
9 48 for the purposes designated:
9 49 For the construction project and one=time equipment
9 50 costs at the Iowa correctional facility for women at



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10 1 Mitchellville:
10 2 \$ 4,130,952
10 3 For purposes of section 8.33, unless specifically
10 4 provided otherwise, unencumbered or unobligated moneys
10 5 made from an appropriation in this section shall not
10 6 revert but shall remain available for expenditure for
10 7 the purposes designated until the close of the fiscal
10 8 year that ends three years after the end of the fiscal
10 9 year for which the appropriation was made. However, if
10 10 the project or projects for which such appropriation
10 11 was made are completed in an earlier fiscal year,
10 12 unencumbered or unobligated moneys shall revert at the
10 13 close of that same fiscal year.
10 14 DIVISION IV
10 15 GROW IOWA VALUES FUND
10 16 Sec. 6. In lieu of the appropriation pursuant to
10 17 section 15G.110, subsection 2, for the fiscal year
10 18 beginning July 1, 2011, and ending June 30, 2012, there
10 19 is appropriated from the rebuild Iowa infrastructure
10 20 fund to the department of economic development for
10 21 deposit in the grow Iowa values fund, the following
10 22 amount, notwithstanding section 8.57, subsection 6,
10 23 paragraph "c":
10 24 \$ 10,620,000
10 25 Sec. 7. GROW IOWA VALUES FUND APPROPRIATION
10 26 REDUCTION. In lieu of the appropriation pursuant to
10 27 section 15G.111, subsection 3, for the fiscal year
10 28 beginning July 1, 2011, and ending June 30, 2012, there
10 29 is appropriated from the grow Iowa values fund to
10 30 the department of economic development the following
10 31 amount, for the purposes of making expenditures
10 32 pursuant to chapter 15G:
10 33 \$ 10,620,000
10 34 Sec. 8. GROW IOWA VALUES FUND ALLOCATIONS. In lieu
10 35 of the amounts allocated pursuant to section 15G.111,
10 36 subsections 4 through 11, for the fiscal year beginning
10 37 July 1, 2011, and ending June 30, 2012, of the moneys
10 38 appropriated to the department of economic development
10 39 pursuant to this division of this Act for the fiscal
10 40 year beginning July 1, 2011, and ending June 30, 2012,
10 41 the department shall allocate the following amounts for
10 42 the following purposes described in section 15G.111,
10 43 subsections 4 through 11:
10 44 1. For the state board of regents institutions:
10 45 \$ 2,500,000
10 46 2. For state parks:
10 47 \$ 500,000
10 48 3. For deposit in the Iowa cultural trust fund:
10 49 \$ 500,000
10 50 4. For community colleges for deposit in the



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11 1 workforce training and economic development funds
11 2 pursuant to section 260C.18A:
11 3 \$ 4,000,000
11 4 5. For regional financial assistance:
11 5 \$ 500,000
11 6 From the moneys allocated pursuant to this
11 7 subsection and in lieu of the moneys transferred
11 8 under section 15G.111, subsection 9, paragraph "a", to
11 9 Iowa state university of science and technology, the
11 10 department shall transfer the following amounts for
11 11 the following fiscal years to Iowa state university
11 12 of science and technology, for purposes of providing
11 13 financial assistance to establish small business
11 14 development centers:
11 15 \$ 175,000
11 16 6. For innovation and commercialization services:
11 17 \$ 2,062,000
11 18 7. For targeted small businesses:
11 19 \$ 557,500

11 20 DIVISION V

11 21 MISCELLANEOUS CODE CHANGES

11 22 Sec. 9. Section 8.57, subsection 6, paragraph f,
11 23 Code 2011, is amended to read as follows:

11 24 f. There is appropriated from the rebuild Iowa
11 25 infrastructure fund to the secure an advanced vision
11 26 for education fund created in section 423F.2, for each
11 27 fiscal year of the fiscal period beginning July 1,
11 28 2008, and ending June 30, 2010, ~~and for each fiscal~~

~~11 29 year of the fiscal period beginning July 1, 2011,~~
~~11 30 and ending June 30, 2014,~~ the amount of the moneys
11 31 in excess of the first forty=seven million dollars
11 32 credited to the rebuild Iowa infrastructure fund during
11 33 the fiscal year, not to exceed ten million dollars.

11 34 Sec. 10. Section 8.57A, subsection 4, Code 2011, is
11 35 amended to read as follows:

11 36 4. a. There is appropriated from the rebuild
11 37 Iowa infrastructure fund for the fiscal ~~years~~ year
11 38 beginning July 1, ~~2008, July 1, 2009, and July 1, 2011~~
~~11 39 2012,~~ and for each fiscal year thereafter, the sum
11 40 of forty=two million dollars to the environment first
11 41 fund, notwithstanding section 8.57, subsection 6,
11 42 paragraph "c".

11 43 b. There is appropriated from the rebuild Iowa
11 44 infrastructure fund ~~each fiscal year~~ for the ~~fiscal~~
~~11 45 year~~ period beginning July 1, 2010, and ending June 30,
11 46 ~~2011~~ 2012, the sum of thirty=three million dollars to
11 47 the environment first fund, notwithstanding section
11 48 8.57, subsection 6, paragraph "c".

11 49 Sec. 11. Section 8.57C, subsection 3, paragraphs a
11 50 and c, Code 2011, are amended to read as follows:



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12 1 a. There is appropriated from the general fund of
12 2 the state for the fiscal ~~years~~ year beginning ~~July 1,~~
12 3 ~~2006, July 1, 2007,~~ July 1, 2011 2012, and for each
12 4 subsequent fiscal year thereafter, the sum of seventeen
12 5 million five hundred thousand dollars to the technology
12 6 reinvestment fund.

12 7 c. There is appropriated from the rebuild Iowa
12 8 infrastructure fund for ~~the~~ each fiscal year of the
12 9 period beginning July 1, 2010, and ending June 30,
12 10 2012, the sum of ten million dollars to the technology
12 11 reinvestment fund, notwithstanding section 8.57,
12 12 subsection 6, paragraph "c".

12 13 Sec. 12. Section 8A.321, subsection 6, Code 2011,
12 14 is amended by adding the following new paragraph:

12 15 NEW PARAGRAPH. d. The department shall issue a
12 16 request for proposals for leasing privately owned
12 17 office space for state employees in the downtown
12 18 area of the city of Des Moines prior to replacing or
12 19 renovating publicly owned buildings or relocating
12 20 any state agencies to any space in publicly owned
12 21 buildings. The department shall locate state employees
12 22 in office space in the most cost=efficient manner
12 23 possible. In determining cost efficiency, the
12 24 department shall consider all costs of the publicly
12 25 owned space, the costs of the original acquisition
12 26 of the publicly owned space, the costs of tenant
12 27 improvements to the publicly owned space, and the
12 28 anticipated economic and useful life of the publicly
12 29 owned building.

12 30 Sec. 13. Section 12.82, subsection 1, Code 2011, is
12 31 amended to read as follows:

12 32 1. A school infrastructure fund is created and
12 33 established as a separate and distinct fund in the
12 34 state treasury under the control of the department of
12 35 education. ~~The Notwithstanding any other provision~~
12 36 of this chapter, the fund shall be used for purposes
12 37 of the school infrastructure program established in
12 38 section 292.2.

12 39 Sec. 14. Section 12.82, Code 2011, is amended by
12 40 adding the following new subsection:

12 41 NEW SUBSECTION. 3A. Any amounts remaining in the
12 42 school infrastructure fund at the end of the fiscal
12 43 year beginning July 1, 2010, and for each fiscal year
12 44 thereafter, which are determined by the treasurer of
12 45 state to be unencumbered and unobligated and otherwise
12 46 unnecessary to make the payments for such fiscal year,
12 47 shall be transferred to the rebuild Iowa infrastructure
12 48 fund.

12 49 Sec. 15. Section 15F.204, subsection 8, paragraph
12 50 b, Code 2011, is amended by striking the paragraph.



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13 1 Sec. 16. Section 16.193, subsection 2, Code 2011,
13 2 is amended to read as follows:

13 3 2. ~~During the term of the Iowa jobs program~~

~~13 4 established in section 16.194 and the Iowa jobs II~~

~~13 5 program established in section 16.194A For the period~~

13 6 beginning July 1, 2009, and ending June 30, 2011, two

13 7 hundred thousand dollars of the moneys deposited in the

13 8 rebuild Iowa infrastructure fund shall be allocated

13 9 each fiscal year to the Iowa finance authority for

13 10 purposes of administering the Iowa jobs program,

13 11 notwithstanding section 8.57, subsection 6, paragraph

13 12 "c".

13 13 Sec. 17. EFFECTIVE UPON ENACTMENT. The section of

13 14 this division amending section 12.82, being deemed of

13 15 immediate importance, takes effect upon enactment.

13 16 DIVISION VI

13 17 CHANGES TO PRIOR APPROPRIATIONS

13 18 Sec. 18. 2004 Iowa Acts, chapter 1175, section 288,

13 19 subsection 7, paragraph d, as amended by 2010 Iowa

13 20 Acts, chapter 1184, section 51, is amended to read as

13 21 follows:

13 22 d. For allocation to the public broadcasting

13 23 division for costs of installation of digital

13 24 and analog television for Iowa public television

13 25 facilities, notwithstanding section 8.57, subsection

13 26 5, paragraph "c":

13 27 FY 2004=2005..... \$ 8,000,000

13 28 FY 2005=2006..... \$ 8,000,000

13 29 FY 2006=2007..... \$ 2,300,000

13 30 Of the amounts appropriated in this lettered

13 31 paragraph, up to \$1,000,000 may be used for operational

13 32 costs of the division for the fiscal years beginning

13 33 July 1, 2011, and July 1, 2012.

13 34 Notwithstanding section 8.33, 2004 Iowa Acts,

13 35 chapter 1175, section 290, or any other provision of

13 36 law, moneys allocated in this lettered paragraph that

13 37 remain unencumbered or unobligated at the close of a

13 38 fiscal year shall not revert but shall remain available

13 39 for expenditure for the purposes designated until the

13 40 close of the fiscal year that begins July 1, 2012.

13 41 ~~However, if the projects for which the moneys are~~

~~13 42 appropriated are completed in an earlier fiscal year,~~

~~13 43 unencumbered or unobligated moneys shall revert at the~~

~~13 44 close of that fiscal year.~~

13 45 Sec. 19. 2006 Iowa Acts, chapter 1179, section 18,

13 46 is amended by adding the following new subsection:

13 47 NEW SUBSECTION. 5. Except for the allocation to

13 48 Des Moines area community college and notwithstanding

13 49 section 8.33, moneys appropriated from the endowment

13 50 for Iowa's health restricted capitals fund for the



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14 1 fiscal year beginning July 1, 2006, and ending June 30,
14 2 2007, in this division of this Act to the department of
14 3 public safety for allocation to the division of fire
14 4 protection that remain unencumbered or unobligated
14 5 at the close of the fiscal year shall not revert
14 6 but shall remain available for expenditure for the
14 7 purposes designated until the close of the fiscal year
14 8 beginning July 1, 2011, or until the project for which
14 9 appropriated is completed, whichever is earlier. This
14 10 subsection shall apply in lieu of subsection 1 of this
14 11 section.

14 12 Sec. 20. 2007 Iowa Acts, chapter 219, section 2, is
14 13 amended to read as follows:

14 14 SEC. 2. REVERSION.

14 15 1. ~~Notwithstanding~~ Except as provided in subsection
14 16 2 and notwithstanding section 8.33, moneys appropriated
14 17 for the fiscal year beginning July 1, 2007, in this
14 18 division of this Act that remain unencumbered or
14 19 unobligated at the close of the fiscal year shall not
14 20 revert but shall remain available for the purposes
14 21 designated until the close of the fiscal year that
14 22 begins July 1, 2010, or until the project for which
14 23 the appropriation was made is completed, whichever is
14 24 earlier.

14 25 2. a. Notwithstanding section 8.33, moneys
14 26 appropriated in section 1, subsection 1, paragraphs
14 27 "a" and "f" of this division of this Act that remain
14 28 unencumbered or unobligated at the close of the fiscal
14 29 year for which they were appropriated shall not revert
14 30 but shall remain available for the purposes designated
14 31 until the close of the fiscal year that begins July 1,
14 32 2011, or until the project for which the appropriation
14 33 was made is completed, whichever is earlier.

14 34 b. The department of administrative services
14 35 is authorized to provide for the disposition and
14 36 relocation of structures located at 707 east locust
14 37 and 709 east locust, Des Moines, Iowa, in a manner as
14 38 deemed appropriate by the department. The disposition
14 39 of the structures, if possible, shall be completed in
14 40 a manner that reduces or eliminates the costs of the
14 41 state associated with the removal of the structures
14 42 from their current locations. Any amount received from
14 43 the disposition of the structures as permitted under
14 44 this section shall be retained by the department to pay
14 45 for improvement costs associated with the restoration
14 46 of the west capitol terrace. The department, if unable
14 47 to otherwise dispose of the structures, is authorized
14 48 to demolish the structure using other appropriate
14 49 funding available to the department.

14 50 Sec. 21. 2008 Iowa Acts, chapter 1179, section 7,



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15 1 as amended by 2009 Iowa Acts, chapter 173, section
15 2 21, and 2010 Iowa Acts, chapter 1184, section 58, is
15 3 amended to read as follows:

15 4 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There
15 5 is appropriated from the rebuild Iowa infrastructure
15 6 fund to the department of economic development for
15 7 the designated fiscal years the following amounts, or
15 8 so much thereof as is necessary, to be used for the
15 9 purposes designated:

15 10 For deposit into the river enhancement community
15 11 attraction and tourism fund created in 2008 Iowa Acts,
15 12 Senate File 2430, if enacted:

15 13 FY 2009=2010	\$	0
15 14 FY 2010=2011.....	\$	0
15 15 FY 2011=2012	\$	10,000,000
15 16		<u>3,000,000</u>
15 17 FY 2012=2013.....	\$	10,000,000

15 18 Notwithstanding section 8.33, moneys appropriated
15 19 in this section for the fiscal year beginning July
15 20 1, 2011, and ending June 30, 2012, shall not revert
15 21 at the close of the fiscal year for which they are
15 22 appropriated but shall remain available for the purpose
15 23 designated until the close of the fiscal year that
15 24 begins July 1, 2014, or until the project for which
15 25 the appropriation was made is completed, whichever is
15 26 earlier.

15 27 Notwithstanding section 8.33, moneys appropriated
15 28 in this section for the fiscal year beginning July
15 29 1, 2012, and ending June 30, 2013, shall not revert
15 30 at the close of the fiscal year for which they are
15 31 appropriated but shall remain available for the purpose
15 32 designated until the close of the fiscal year that
15 33 begins July 1, 2015, or until the project for which
15 34 the appropriation was made is completed, whichever is
15 35 earlier.

15 36 Sec. 22. 2010 Iowa Acts, chapter 1184, section 2,
15 37 subsection 3, is amended to read as follows:

15 38 3. DEPARTMENT OF TRANSPORTATION

15 39 For deposit into the passenger rail service
15 40 revolving fund created in section 327J.2 for matching
15 41 federal funding available through the federal Passenger
15 42 Rail Investment and Improvement Act of 2008 for
15 43 passenger rail service, notwithstanding section 8.57,
15 44 subsection 6, paragraph "c":

15 45 FY 2011=2012.....	\$	6,500,000
15 46		<u>0</u>
15 47 FY 2012=2013.....	\$	6,500,000

15 48 It is the intent of the general assembly to fund
15 49 up to \$20 million over a four-year period to fully
15 50 fund the state commitment for matching federal funding



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16 1 available through the federal Passenger Rail Investment
16 2 and Improvement Act of 2008.

16 3 Sec. 23. 2010 Iowa Acts, chapter 1184, section 10,
16 4 subsection 8, is amended to read as follows:

16 5 8. TREASURER OF STATE

16 6 For transfer to the watershed improvement review
16 7 board created in section 466A.3 for grants associated
16 8 with the construction and restoration of wetland

~~16 9 easements and flood prevention watershed improvement~~
16 10 projects:

16 11 \$ 2,000,000

16 12 Notwithstanding section 466A.5, moneys from the
16 13 appropriation in this subsection shall not be used for
16 14 administrative purposes.

16 15 Sec. 24. 2010 Iowa Acts, chapter 1184, section 14,
16 16 is amended to read as follows:

16 17 SEC. 14. There is appropriated from the ~~FY 2009~~

~~16 18 prison bonding fund created pursuant to section 12.79~~

16 19 rebuild Iowa infrastructure fund to the department
16 20 of corrections for the fiscal year beginning July 1,
16 21 2010, and ending June 30, 2011, the following amount,
16 22 or so much thereof as is necessary, to be used for
16 23 the purpose designated, notwithstanding section 8.57,
16 24 subsection 6, paragraph "c":

16 25 ~~For costs associated with the building of a new~~

~~16 26 Iowa State penitentiary at Fort Madison project~~

16 27 management costs at Fort Madison and Mitchellville

16 28 prisons, associated with construction projects at the

16 29 department:

16 30 \$ 322,500

16 31 ~~The appropriation made in this section constitutes~~

~~16 32 approval by the general assembly for the issuance of~~

~~16 33 bonds by the treasurer of state pursuant to section~~

~~16 34 12.80.~~

16 35 Sec. 25. 2010 Iowa Acts, chapter 1184, section 37,
16 36 is amended to read as follows:

16 37 SEC. 37. SITE DEVELOPMENT CONSULTATIONS

16 38 APPROPRIATION. There is appropriated from the school
16 39 infrastructure fund created in section 12.82 to the
16 40 department of economic development for the fiscal year
16 41 beginning July 1, 2010, and ending June 30, 2011, the
16 42 following amount, or so much thereof as is necessary,
16 43 to be used for the purposes designated:

16 44 For providing site development consultations

16 45 pursuant to section 15E.18, including salaries,

16 46 support, maintenance, miscellaneous purposes, and

16 47 for not more than the following full-time equivalent

16 48 positions, notwithstanding section 12.82, subsection 1:

16 49 \$ 175,000

16 50 FTEs 1.00



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17 1 Of the moneys appropriated to the department
17 2 pursuant to this section, the department may allocate
17 3 up to \$75,000 for purposes of contracting with third
17 4 parties to provide site development consultations.
17 5 Sec. 26. 2010 Iowa Acts, chapter 1184, section 39,
17 6 is amended to read as follows:

17 7 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE
17 8 APPROPRIATION. There is appropriated from the school
17 9 infrastructure fund created in section 12.82 to the
17 10 department of economic development for the fiscal year
17 11 beginning July 1, 2010, and ending June 30, 2011, the
17 12 following amount, or so much thereof as is necessary,
17 13 to be used for the purposes designated:

17 14 For purposes of creating a business assistance
17 15 internet site, notwithstanding section 12.82,
17 16 subsection 1:

17 17 \$ 20,000

17 18 Sec. 27. 2010 Iowa Acts, chapter 1184, section 43,
17 19 is amended to read as follows:

17 20 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
17 21 APPROPRIATION. There is appropriated from the school
17 22 infrastructure fund created in section 12.82 to the
17 23 department of economic development for deposit in the
17 24 save our small businesses fund for the fiscal year
17 25 beginning July 1, 2010, and ending June 30, 2011, the
17 26 following amount, or so much thereof as is necessary,
17 27 to be used for the purposes designated, notwithstanding
17 28 section 12.82, subsection 1:

17 29 For purposes of providing financial assistance under
17 30 the save our small businesses program under section
17 31 15.301:

17 32 \$ 5,000,000

17 33 Of the moneys appropriated pursuant to this section,
17 34 the department may allocate an amount not to exceed
17 35 two percent of the moneys appropriated for purposes of
17 36 retaining the services of an organization designated
17 37 pursuant to section 15.301, subsection 2, paragraph
17 38 "b".

17 39 Sec. 28. 2010 Iowa Acts, chapter 1193, section 6,
17 40 is amended to read as follows:

17 41 SEC. 6. INSTRUCTIONAL SUPPORT STATE AID ====

17 42 APPROPRIATION. In lieu of the appropriation provided
17 43 in section 257.20, there is appropriated from the
17 44 school infrastructure fund created in section 12.82,
17 45 subsection 1, to the department of education for the
17 46 fiscal year beginning July 1, 2010, and ending June 30,
17 47 2011, the following amount, or so much thereof as is
17 48 necessary, to be used for the purposes designated:

17 49 For paying instructional support state aid for
17 50 fiscal year 2010=2011, notwithstanding section 12.82,



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18 1 subsection 1:
18 2 \$ 7,500,000
18 3 Notwithstanding section 257.20, subsection 3, the
18 4 appropriation made in this lettered paragraph shall
18 5 be allocated in the same manner as the allocation of
18 6 the appropriation was made for the same purpose in the
18 7 previous fiscal year.
18 8 Sec. 29. EFFECTIVE UPON ENACTMENT. This division
18 9 of this Act, being deemed of immediate importance,
18 10 takes effect upon enactment.
18 11 DIVISION VII
18 12 MISCELLANEOUS
18 13 Sec. 30. WELCOME CENTER DESIGNATION.
18 14 Notwithstanding any provision of section 15.272 to the
18 15 contrary, the department of economic development shall
18 16 by January 1, 2012, select a site in or near the city
18 17 of Nashua for designation as a statewide welcome center
18 18 under the statewide welcome center program.
18 19 Sec. 31. IOWA BUILDING LEASES. The department
18 20 of administrative services may utilize space in the
18 21 Iowa building for purposes of entering into short
18 22 term leases with persons associated with the media
18 23 who request space for the purpose of providing media
18 24 coverage of the 2012 Iowa presidential caucuses.
18 25 Moneys received pursuant to any such lease agreements
18 26 shall be retained by and are appropriated to the
18 27 department for purposes of operational costs of the
18 28 Iowa building.>
18 29 #2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, CHAIRPERSON
HF648.2779 (2) 84
rh/tm



Iowa General Assembly
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Senate Amendment 3290

PAG LIN

1 1 Amend House File 672, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. NEW SECTION. 476.53A Wind and other
1 5 renewable electric power generation.
1 6 It is the intent of the general assembly to
1 7 encourage the development of wind and other renewable
1 8 electric power generation including but not limited
1 9 to solar and biomass electric power generation. Wind
1 10 electric power generation has a proven record of
1 11 providing a safe and secure source of electricity
1 12 in this state and the United States and offers the
1 13 potential for significant additional job creation and
1 14 other economic development benefits. It is also the
1 15 intent of the general assembly to encourage the use of
1 16 solar and wind power to meet local electric needs and
1 17 the development of transmission capacity to export wind
1 18 power generated in Iowa.>
1 19 #2. Page 1, line 5, by striking <fifty twenty=six>
1 20 and inserting <fifty>
1 21 #3. Page 1, line 10, by striking <2015> and
1 22 inserting <2021>
1 23 #4. Page 3, line 12, by striking <a.>
1 24 #5. Page 3, line 15, by striking <sixty=three> and
1 25 inserting <seventy=five>
1 26 #6. Page 3, line 15, after <capacity.> by inserting
1 27 <Beginning January 1, 2015, this maximum shall be
1 28 increased by twenty=five megawatts annually, with the
1 29 last increase occurring January 1, 2020.>
1 30 #7. Page 3, line 16, by striking <b.>
1 31 #8. Page 3, line 19, by striking <sixty=nine> and
1 32 inserting <fifty=three>
1 33 #9. By striking page 3, line 30, through page 4,
1 34 line 6, and inserting <British thermal units of heat
1 35 for a commercial purpose.>
1 36 #10. Page 6, line 2, by striking <2024> and
1 37 inserting <2030>
1 38 #11. Page 6, after line 2 by inserting:
1 39 <Sec. _____. EFFECTIVE UPON ENACTMENT. The section
1 40 of this Act amending section 476B.5, subsection 4,
1 41 being deemed of immediate importance, takes effect upon
1 42 enactment.>
1 43 #12. Title page, line 2, after <production> by
1 44 inserting <, and including effective date provisions>
1 45 #13. By renumbering as necessary.

ROBERT M. HOGG
HF672.2766 (1) 84
rn/nh



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Senate Amendment 3291

PAG LIN

1 1 Amend the amendment, S=3290, to House File 672,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 1, by striking lines 19 and 20.
1 5 #2. Page 1, by striking line 23.
1 6 #3. Page 1, by striking lines 30 through 35.
1 7 #4. By renumbering as necessary.

MERLIN BARTZ
S3290.2825 (1) 84
rn/nh



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Senate Amendment 3292

PAG LIN

1 1 Amend Senate File 313, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <DIVISION I
1 5 MEDICAL ASSISTANCE ==== GENERAL PROVISIONS>
1 6 #2. Page 5, after line 10 by inserting:
1 7 <Sec. _____. Section 249J.24A, subsection 1, Code
1 8 2011, is amended to read as follows:
1 9 1. A nonparticipating provider may be reimbursed
1 10 for covered expansion population services provided to
1 11 an expansion population member ~~by a nonparticipating~~
~~1 12 provider if the nonparticipating provider contacts the~~
~~1 13 appropriate participating provider prior to providing~~
~~1 14 covered services to verify consensus regarding one of~~
~~1 15 the following courses of action if any of the following~~
1 16 conditions is met:
1 17 a. ~~If the nonparticipating provider and the~~
~~1 18 participating provider agree that the medical status~~
~~1 19 of the expansion population member indicates it~~
~~1 20 is medically possible to postpone provision of~~
~~1 21 services, the nonparticipating provider shall direct~~
~~1 22 the expansion population member to the appropriate~~
~~1 23 participating provider for services.~~
1 24 ~~b.~~ a. If the nonparticipating provider ~~and the~~
~~1 25 participating provider agree~~ determines that the
1 26 medical status of the expansion population member
1 27 indicates it is not medically ~~possible~~ advisable to
1 28 postpone provision of services, the nonparticipating
1 29 provider shall provide medically necessary services.
1 30 ~~e.~~ b. If the nonparticipating provider and the
1 31 participating provider agree that transfer of the
1 32 expansion population member is not possible due to lack
1 33 of available inpatient capacity, the nonparticipating
1 34 provider shall provide medically necessary services.
1 35 ~~d.~~ c. If the medical status of the expansion
1 36 population member indicates a medical emergency and the
1 37 nonparticipating provider is not able to contact the
1 38 appropriate participating provider prior to providing
1 39 medically necessary services, the nonparticipating
1 40 provider shall document the medical emergency
1 41 and inform the appropriate participating provider
1 42 immediately after the member has been stabilized of any
1 43 covered services provided.
1 44 Sec. _____. Section 249J.24A, subsection 2, paragraph
1 45 a, Code 2011, is amended to read as follows:
1 46 a. If the nonparticipating provider meets
1 47 the requirements specified in subsection 1, the
1 48 nonparticipating provider shall be reimbursed for
1 49 covered expansion population services, limited to
1 50 emergency and other inpatient hospital services



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2 1 provided to the expansion population member up to the
2 2 point of transfer to another provider, discharge,
2 3 or transfer to another level of care, through the
2 4 nonparticipating provider reimbursement fund in
2 5 accordance with rules adopted by the department of
2 6 human services. However, any funds received from
2 7 participating providers, appropriated to participating
2 8 providers, or deposited in the IowaCare account
2 9 pursuant to section 249J.24, shall not be transferred
2 10 or appropriated to the nonparticipating provider
2 11 reimbursement fund or otherwise used to reimburse
2 12 nonparticipating providers.>

2 13 #3. Page 5, after line 10 by inserting:

2 14 <Sec. _____. Section 514I.5, subsection 3, Code 2011,
2 15 is amended to read as follows:

2 16 3. Members appointed by the governor shall
2 17 serve two=year staggered terms as designated by the
2 18 governor, and legislative members of the board shall
2 19 serve two=year terms. The filling of positions
2 20 reserved for the public representatives, vacancies,
2 21 membership terms, payment of compensation and expenses,
2 22 and removal of the members are governed by chapter
2 23 69. Members of the board are entitled to receive
2 24 reimbursement of actual expenses incurred in the
2 25 discharge of their duties. Public members of the
2 26 board are also eligible to receive compensation as
2 27 provided in section 7E.6. A majority of the voting
2 28 members constitutes a quorum and the affirmative vote
2 29 of a majority of the voting members is necessary for
2 30 any substantive action to be taken by the board. The
2 31 members shall select a chairperson on an annual basis
2 32 from among the membership of the board.>

2 33 #4. Page 5, after line 10 by inserting:

2 34 <DIVISION II

2 35 MEDICAID PRESCRIPTION DRUGS

2 36 Sec. _____. Section 249A.20A, subsection 4, Code
2 37 2011, is amended to read as follows:

2 38 4. With the exception of drugs prescribed for the
2 39 treatment of human immunodeficiency virus or acquired
2 40 immune deficiency syndrome, transplantation, or cancer
2 41 and drugs prescribed for mental illness with the
2 42 exception of drugs and drug compounds that do not
2 43 have a significant variation in a therapeutic profile
2 44 or side effect profile within a therapeutic class,
2 45 prescribing and dispensing of prescription drugs not
2 46 included on the preferred drug list shall be subject to
2 47 prior authorization.

2 48 Sec. _____. 2010 Iowa Acts, chapter 1031, section
2 49 348, is amended to read as follows:

2 50 SEC. 348. MEDICAID NONPREFERRED DRUG LIST



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3 1 PRESCRIBING.

3 2 1-. The department shall adopt rules pursuant
3 3 to chapter 17A to restrict physicians and other
3 4 prescribers to prescribing not more than a 72-hour
3 5 or three-day supply of a prescription drug not
3 6 included on the medical assistance preferred drug list
3 7 while seeking approval to continue prescribing the
3 8 medication.

3 9 2. ~~Notwithstanding subsection 1, the department~~
~~3 10 shall adopt rules pursuant to chapter 17A to restrict a~~
~~3 11 physician or other prescriber prescribing a chemically~~
~~3 12 unique mental health prescription drug to prescribing~~
~~3 13 not more than a seven-day supply of the prescription~~
~~3 14 drug while requesting approval to continue to prescribe~~
~~3 15 the medication. The rules shall provide that if~~
~~3 16 an approval or disapproval is not received by the~~
~~3 17 physician or other prescriber within 48 hours of the~~
~~3 18 request, the request is deemed approved.~~

3 19 Sec. _____. REPEAL. 2010 Iowa Acts, chapter 1031,
3 20 section 349, is repealed.

3 21 Sec. _____. RESCINDING AND ADOPTION OF RULES. The
3 22 department of human services shall rescind the rules
3 23 adopted pursuant to 2010 Iowa Acts, chapter 1031,
3 24 section 347, chapter 1031, section 349, subsection
3 25 2, and chapter 1031, section 349, and shall instead
3 26 adopt emergency rules under section 17A.4, subsection
3 27 3, and section 17A.5, subsection 2, paragraph "b",
3 28 to implement section 249A.20A, as amended in this
3 29 division of this Act, and the rules shall be effective
3 30 immediately upon filing and retroactively applicable to
3 31 January 1, 2011, unless a later date is specified in
3 32 the rules. Any rules adopted in accordance with this
3 33 section shall also be published as a notice of intended
3 34 action as provided in section 17A.4.

3 35 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
3 36 APPLICABILITY. This division of this Act, being deemed
3 37 of immediate importance, takes effect upon enactment
3 38 and applies retroactively to January 1, 2011.>

3 39 #5. Title page, line 2, after <provisions> by
3 40 inserting <and providing effective date and retroactive
3 41 applicability provisions>

3 42 #6. By renumbering as necessary.

SF313.2834.H (2) 84

mb



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Senate File 531 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SF 496)
(SUCCESSOR TO SSB
1148)

A BILL FOR

1 An Act relating to renewable fuels, including by providing for
2 tax credits and refunds, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1834SZ (4) 84
da/rj



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Senate File 531 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 RETAIL DEALERS ==== MOTOR FUEL STANDARDS
1 3 Section 1. Section 214A.2, subsection 4, paragraph b, Code
1 4 2011, is amended by adding the following new subparagraph:
1 5 NEW SUBPARAGRAPH. (4) Biodiesel blended fuel classified as
1 6 B=6 or higher but not higher than B=20 must conform to A.S.T.M.
1 7 international specification D7467 or a successor A.S.T.M.
1 8 international specification as established by rules adopted by
1 9 the department.
1 10 DIVISION II
1 11 RETAIL DEALERS ==== LIABILITY
1 12 Sec. 2. NEW SECTION. 214A.20 Retail dealers ==== limitation
1 13 on liability.
1 14 1. A retail dealer is not liable for damages caused by the
1 15 use of incompatible motor fuel dispensed at the retail dealer's
1 16 retail motor fuel site, if all of the following applies:
1 17 a. The incompatible motor fuel complies with the
1 18 specifications for a type of motor fuel as provided in section
1 19 214A.2.
1 20 b. The incompatible motor fuel is selected by a person other
1 21 than the retail dealer, including an employee or agent of the
1 22 retail dealer.
1 23 c. The incompatible motor fuel is dispensed from a motor
1 24 fuel pump that correctly labels the type of fuel dispensed.
1 25 2. For purposes of this section, a motor fuel is
1 26 incompatible with a motor according to the manufacturer of the
1 27 motor.
1 28 DIVISION III
1 29 RETAIL DEALERS ==== ETHANOL PROMOTION TAX CREDIT
1 30 Sec. 3. Section 422.11N, subsection 1, paragraph a, Code
1 31 2011, is amended to read as follows:
1 32 a. "E=85 gasoline", "ethanol", "ethanol blended gasoline",
1 33 "gasoline", ~~and~~ "retail dealer", and "retail motor fuel site"
1 34 mean the same as defined in section 214A.1.
1 35 Sec. 4. Section 422.11N, subsection 3, paragraph a, Code



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2 1 2011, is amended to read as follows:

2 2 a. The taxpayer is a retail dealer who sells and dispenses
2 3 ethanol blended gasoline through a motor fuel pump ~~in~~ located
2 4 at the retail dealer's retail motor fuel site during the tax
~~2 5 year in~~ determination period or parts of the determination
2 6 periods for which the tax credit is claimed as provided in this
2 7 section.

2 8 Sec. 5. Section 422.11N, Code 2011, is amended by adding the
2 9 following new subsection:

2 10 NEW SUBSECTION. 3A. a. When first claiming the tax
2 11 credit, the retail dealer shall elect to compute and claim the
2 12 tax credit on a company=wide basis or site=by=site basis as
2 13 provided in section 452A.33.

2 14 (1) In making a company=wide election, the retail dealer
2 15 must compute and claim the tax credit based on calculations
2 16 as provided in this section for all retail motor fuel sites
2 17 where the retail dealer sells and dispenses motor fuel on a
2 18 retail basis. The retail dealer shall not claim the tax credit
2 19 based on a calculation which does not include all such retail
2 20 motor fuel sites. A retail dealer shall use the company=wide
2 21 election in order to calculate the retail dealer's biofuel
2 22 threshold percentage as provided in subsection 4, paragraph
2 23 "b".

2 24 (2) In making a site=by=site election, the retail dealer
2 25 must compute and claim the tax credit based on calculations as
2 26 provided in this section for each retail motor fuel site where
2 27 the retail dealer sells and dispenses motor fuel on a retail
2 28 basis. The retail dealer shall not claim the tax credit based
2 29 on a calculation which includes two or more retail motor fuel
2 30 sites. Nothing in this subparagraph requires the retail dealer
2 31 to compute or claim a tax credit for a particular retail motor
2 32 fuel site. The retail dealer shall not use the site=by=site
2 33 election in order to calculate the retail dealer's biofuel
2 34 threshold percentage as provided in subsection 4, paragraph
2 35 "b".



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3 1 b. Once the retail dealer makes an election as provided in
3 2 paragraph "a", the retail dealer shall not change the election
3 3 without the written consent of the department.
3 4 Sec. 6. Section 422.11N, subsection 4, paragraph d, Code
3 5 2011, is amended by striking the paragraph.
3 6 Sec. 7. Section 422.11N, subsection 5, paragraph a,
3 7 subparagraph (1), Code 2011, is amended to read as follows:
3 8 (1) For any tax year in which the retail dealer has attained
3 9 a biofuel threshold percentage for the determination period,
3 10 the tax credit rate is ~~six and one-half~~ eight cents.
3 11 Sec. 8. Section 422.11N, subsection 5, paragraph a,
3 12 subparagraph (2), subparagraph divisions (a) and (b), Code
3 13 2011, are amended to read as follows:
3 14 (a) If the retail dealer's biofuel threshold percentage
3 15 disparity equals two percent or less, the tax credit rate is
3 16 ~~four and one-half~~ six cents.
3 17 (b) If the retail dealer's biofuel threshold percentage
3 18 disparity equals more than two percent but not more than four
3 19 percent, the tax credit rate is ~~two and one-half~~ four cents.
3 20 Sec. 9. Section 422.11N, subsection 6, Code 2011, is amended
3 21 to read as follows:
3 22 6. a. A retail dealer is eligible to claim an ethanol
3 23 promotion tax credit as provided in this section even though
3 24 the retail dealer claims ~~an~~ one or all of the following related
3 25 tax credits:
3 26 (1) The E=85 gasoline promotion tax credit pursuant to
3 27 section 422.110.
3 28 (2) The E=15 plus gasoline promotion tax credit pursuant to
3 29 section 422.11Y.
3 30 b. The retail dealer may claim the ethanol promotion tax
3 31 credit and one or more of the related tax credits as provided
3 32 in paragraph "a" for the same tax year and for the same ethanol
3 33 gallorage.
3 34 Sec. 10. Section 452A.33, subsection 1, paragraph b, Code
3 35 2011, is amended by striking the paragraph and inserting in



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4 1 lieu thereof the following:

4 2 b. The report shall include information required in
4 3 paragraph "a" on a company=wide and site=by=site basis, as
4 4 required by the department.

4 5 (1) The information submitted on a company=wide basis shall
4 6 include the total motor fuel gallonage, including for each
4 7 classification and subclassification, sold and dispensed by the
4 8 retail dealer as provided in paragraph "a" for all retail motor
4 9 fuel sites from which the retail dealer sells and dispenses
4 10 motor fuel.

4 11 (2) The information submitted on a site=by=site basis shall
4 12 include the total motor fuel gallonage, including for each
4 13 classification and subclassification, sold and dispensed by the
4 14 retail dealer as provided in paragraph "a" separately for each
4 15 retail motor fuel site from which the retail dealer sells and
4 16 dispenses motor fuel.

4 17 Sec. 11. 2006 Iowa Acts, chapter 1142, section 49,
4 18 subsection 2, as amended by 2006 Iowa Acts, chapter 1175,
4 19 section 17, is amended to read as follows:

4 20 2. For a retail dealer who may claim an ethanol promotion
4 21 tax credit under section 422.11N or 422.33, subsection 11A, as
4 22 enacted in this Act and amended in subsequent Acts, in calendar
4 23 year 2020 and whose tax year ends prior to December 31, 2020,
4 24 the retail dealer may continue to claim the tax credit in the
4 25 retail dealer's following tax year. In that case, the tax
4 26 credit shall be calculated in the same manner as provided in
4 27 section 422.11N or 422.33, subsection 11A, as enacted in this
4 28 Act and amended in subsequent Acts, for the remaining period
4 29 beginning on the first day of the retail dealer's new tax year
4 30 until December 31, 2020. For that remaining period, the tax
4 31 credit shall be calculated in the same manner as a retail
4 32 dealer whose tax year began on the previous January 1 and who
4 33 is calculating the tax credit on December 31, 2020.

4 34 Sec. 12. ADMINISTRATIVE RULES. The department of revenue
4 35 may adopt rules under chapter 17A prior to the effectiveness



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5 1 and applicability of section 422.11N, as amended in this
5 2 division of this Act, and the application of section 422.33,
5 3 subsection 11A, due to this division of this Act. The
5 4 department's rules shall not take effect earlier than January
5 5 1, 2012.
5 6 Sec. 13. EFFECTIVE DATES.
5 7 1. Except as provided in subsection 2, this division of this
5 8 Act takes effect on July 1, 2011.
5 9 2. a. The section of this division of this Act authorizing
5 10 the department of revenue to adopt rules takes effect upon
5 11 enactment.
5 12 b. Section 422.11N, as amended in this division of this Act,
5 13 and the application of section 422.33, subsection 11A, due to
5 14 this division of this Act, take effect on January 1, 2012.
5 15 Sec. 14. APPLICABILITY. Section 422.11N, as amended in this
5 16 division of this Act, and the application of section 422.33,
5 17 subsection 11A, due to this division of this Act, apply to tax
5 18 years beginning on and after January 1, 2012.
5 19 DIVISION IV
5 20 E=85 GASOLINE PROMOTION TAX CREDIT
5 21 Sec. 15. Section 422.110, subsection 2, Code 2011, is
5 22 amended to read as follows:
5 23 2. The taxes imposed under this division, less the credits
5 24 allowed under section 422.12, shall be reduced by an E=85
5 25 gasoline promotion tax credit for each tax year that the
5 26 taxpayer is eligible to claim the tax credit under this
5 27 subsection.
5 28 a. In order to be eligible, all of the following must apply:
5 29 ~~a.~~ (1) The taxpayer is a retail dealer who sells and
5 30 dispenses E=85 gasoline through a motor fuel pump ~~in~~ located
5 31 at the retail dealer's retail motor fuel site during the ~~tax~~
~~5 32~~ calendar year ~~in~~ or parts of the calendar year for which the
5 33 tax credit is claimed as provided in this section.
5 34 ~~b.~~ (2) The retail dealer complies with requirements of the
5 35 department to administer this section.



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6 1 b. The tax credit shall apply to E=85 gasoline that meets
6 2 the standards provided in section 214A.2.

6 3 Sec. 16. Section 422.110, subsection 3, Code 2011, is
6 4 amended by striking the subsection and inserting in lieu
6 5 thereof the following:

6 6 3. For a retail dealer whose tax year is on a calendar year
6 7 basis, the retail dealer shall calculate the amount of the tax
6 8 credit by multiplying sixteen cents by the retail dealer's
6 9 total E=85 gasoline gallonage as provided in sections 452A.31
6 10 and 452A.32.

6 11 Sec. 17. Section 422.110, subsection 5, Code 2011, is
6 12 amended to read as follows:

6 13 5. a. A retail dealer is eligible to claim an E=85 gasoline
6 14 promotion tax credit as provided in this section even though
6 15 the retail dealer claims ~~an~~ one or all of the following related
6 16 tax credits:

6 17 (1) The ethanol promotion tax credit pursuant to section
6 18 422.11N ~~for the same tax year for the same ethanol gallonage.~~

6 19 (2) The E=15 plus gasoline tax credit pursuant to section
6 20 422.11Y.

6 21 b. (1) The retail dealer may claim the E=85 gasoline
6 22 promotion tax credit and one or more of the related tax credits
6 23 as provided in paragraph "a" for the same tax year.

6 24 (2) The retail dealer may claim the ethanol promotion
6 25 tax credit as provided in paragraph "a" for the same ethanol
6 26 gallonage used to calculate and claim the E=85 gasoline
6 27 promotion tax credit.

6 28 Sec. 18. Section 422.110, subsection 8, Code 2011, is
6 29 amended to read as follows:

6 30 8. This section is repealed on January 1, ~~2021~~ 2018.

6 31 Sec. 19. Section 422.33, subsection 11B, paragraph c, Code
6 32 2011, is amended to read as follows:

6 33 c. This subsection is repealed on January 1, ~~2021~~ 2018.

6 34 Sec. 20. 2006 Iowa Acts, chapter 1142, section 49,
6 35 subsection 3, is amended to read as follows:



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7 1 3. For a retail dealer who may claim an E=85 gasoline
7 2 promotion tax credit under section 422.110 or 422.33,
7 3 subsection 11B, as enacted in this Act and amended in
7 4 subsequent Acts, in calendar year ~~2020~~ 2017 and whose tax
7 5 year ends prior to December 31, ~~2020~~ 2017, the retail dealer
7 6 may continue to claim the tax credit in the retail dealer's
7 7 following tax year. In that case, the tax credit shall be
7 8 calculated in the same manner as provided in section 422.110
7 9 or 422.33, subsection 11B, as enacted in this Act and amended
7 10 in subsequent Acts, for the remaining period beginning on the
7 11 first day of the retail dealer's new tax year until December
7 12 31, ~~2020~~ 2017. For that remaining period, the tax credit shall
7 13 be calculated in the same manner as a retail dealer whose tax
7 14 year began on the previous January 1 and who is calculating the
7 15 tax credit on December 31, ~~2020~~ 2017.

7 16 Sec. 21. ADMINISTRATIVE RULES. The department of revenue
7 17 may adopt rules under chapter 17A prior to the effectiveness
7 18 and applicability of section 422.110, and section 422.33,
7 19 subsection 11B, as amended in this division of this Act, due to
7 20 this division of this Act. The department's rules shall not
7 21 take effect earlier than January 1, 2012.

7 22 Sec. 22. EFFECTIVE DATES.

7 23 1. Except as provided in subsection 2, this division of this
7 24 Act takes effect on July 1, 2011.

7 25 2. a. The section of this division of this Act authorizing
7 26 the department of revenue to adopt rules takes effect upon
7 27 enactment.

7 28 b. Section 422.110, as amended in this division of this Act,
7 29 and section 422.33, subsection 11B, as amended in this division
7 30 of this Act, take effect on January 1, 2012.

7 31 Sec. 23. APPLICABILITY. Section 422.110, as amended in this
7 32 division of this Act, and section 422.33, subsection 11B, as
7 33 amended in this division of this Act and applied due to this
7 34 division of this Act, apply to tax years beginning on and after
7 35 January 1, 2012.



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8 1 DIVISION V
8 2 RETAIL DEALERS ==== BIODIESEL BLENDED FUEL TAX CREDIT
8 3 Sec. 24. Section 422.11P, Code 2011, is amended by adding
8 4 the following new subsection:
8 5 NEW SUBSECTION. 1A. For purposes of this section, biodiesel
8 6 blended fuel is classified in the same manner as provided in
8 7 section 214A.2.
8 8 Sec. 25. Section 422.11P, subsection 2, Code 2011, is
8 9 amended to read as follows:
8 10 2. The taxes imposed under this division, less the credits
8 11 allowed under section 422.12, shall be reduced by ~~the amount~~
8 12 ~~of the a biodiesel blended fuel tax credit for each tax year~~
8 13 ~~that the taxpayer is eligible to claim a tax credit under this~~
8 14 ~~subsection.~~
8 15 a. In order to be eligible, all of the following must apply:
8 16 (1) The taxpayer is a retail dealer who sells and dispenses
8 17 qualifying biodiesel blended fuel through a motor fuel pump
8 18 located at a the retail dealer's retail motor fuel site
8 19 ~~operated by the retail dealer in during the tax calendar year~~
8 20 ~~in or parts of the calendar years for which the tax credit is~~
8 21 ~~claimed as provided in this section.~~
8 22 ~~(2) Of the total gallons of diesel fuel that the retail~~
8 23 ~~dealer sells and dispenses through all motor fuel pumps located~~
8 24 ~~at a motor fuel site operated by the retail dealer during the~~
8 25 ~~retail dealer's tax year, fifty percent or more is biodiesel~~
8 26 ~~blended fuel which meets the requirements of this section.~~
8 27 ~~(3)~~ (2) The retail dealer complies with requirements of the
8 28 department established to administer this section.
8 29 b. The tax credit shall apply to biodiesel blended fuel
8 30 ~~formulated with a minimum percentage of two percent by volume~~
8 31 ~~of biodiesel, if the formulation classified as provided in this~~
8 32 ~~section, if the classification meets the standards provided in~~
8 33 ~~section 214A.2.~~
8 34 Sec. 26. Section 422.11P, subsection 3, Code 2011, is
8 35 amended by striking the subsection and inserting in lieu



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9 1 thereof the following:

9 2 3. For a retail dealer whose tax year is on a calendar year
9 3 basis, the retail dealer shall calculate the amount of the tax
9 4 credit by multiplying a designated rate by the retail dealer's
9 5 total biodiesel blended fuel gallonage as provided in sections
9 6 452A.31 and 452A.33 which qualifies under this subsection.

9 7 a. In calendar year 2012, in order to qualify for the tax
9 8 credit, the biodiesel blended fuel must be classified as B=2
9 9 or higher.

9 10 (1) For biodiesel blended fuel classified as B=2 or higher
9 11 but not as high as B=5, the designated rate is two cents.

9 12 (2) For biodiesel blended fuel classified as B=5 or higher,
9 13 the designated rate is four and one-half cents.

9 14 b. In calendar year 2013 and for each subsequent calendar
9 15 year, in order to qualify for the tax credit, the biodiesel
9 16 blended fuel must be classified as B=5 or higher. The
9 17 designated rate for the qualifying biodiesel blended fuel is
9 18 four and one-half cents.

9 19 Sec. 27. Section 422.11P, Code 2011, is amended by adding
9 20 the following new subsection:

9 21 NEW SUBSECTION. 3A. For a retail dealer whose tax year is
9 22 not on a calendar year basis, the retail dealer shall calculate
9 23 the tax credit as follows:

9 24 a. If a retail dealer has not claimed a tax credit in the
9 25 retail dealer's previous tax year, the retail dealer may claim
9 26 the tax credit in the retail dealer's current tax year for that
9 27 period beginning on January 1 of the retail dealer's previous
9 28 tax year to the last day of the retail dealer's previous tax
9 29 year. For that period the retail dealer shall calculate the
9 30 tax credit in the same manner as a retail dealer who will
9 31 calculate the tax credit on December 31 of that calendar year
9 32 as provided in subsection 3.

9 33 b. (1) For the period beginning on the first day of the
9 34 retail dealer's tax year until December 31, the retail dealer
9 35 shall calculate the tax credit in the same manner as a retail



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10 1 dealer who calculates the tax credit on that same December 31
10 2 as provided in subsection 3.
10 3 (2) For the period beginning on January 1 to the end of the
10 4 retail dealer's tax year, the retail dealer shall calculate
10 5 the tax credit in the same manner as a retail dealer who will
10 6 calculate the tax credit on the following December 31 as
10 7 provided in subsection 3.
10 8 Sec. 28. Section 422.11P, subsection 6, Code 2011, is
10 9 amended to read as follows:
10 10 6. This section is repealed January 1, ~~2012~~ 2018.
10 11 Sec. 29. Section 422.33, subsection 11C, paragraphs c and d,
10 12 Code 2011, are amended to read as follows:
10 13 ~~e. The tax credit shall be calculated separately for each~~
~~10 14 retail motor fuel site operated by the taxpayer in the same~~
~~10 15 manner as provided in section 422.11P.~~
10 16 ~~d.~~ c. This subsection is repealed on January 1, ~~2012~~ 2018.
10 17 Sec. 30. TAX CREDIT AVAILABILITY ==== CLAIMS FOR THE 2011
10 18 CALENDAR YEAR. Nothing in this Act affects a retail dealer's
10 19 claiming of a biodiesel blended fuel tax credit as provided in
10 20 2006 Iowa Acts, chapter 1142, section 49, subsection 5.
10 21 Sec. 31. TAX CREDIT AVAILABILITY. For a retail dealer who
10 22 may claim a biodiesel blended fuel promotion tax credit under
10 23 section 422.11P or 422.33, subsection 11C, as amended in this
10 24 Act and amended in subsequent Acts, in calendar year 2017, and
10 25 whose tax year ends prior to December 31, 2017, the retail
10 26 dealer may continue to claim the tax credit in the retail
10 27 dealer's following tax year. In that case, the tax credit
10 28 shall be calculated in the same manner as provided in section
10 29 422.11P or 422.33, subsection 11C, as amended in this Act and
10 30 amended in subsequent Acts, for the remaining period beginning
10 31 on the first day of the retail dealer's new tax year until
10 32 December 31, 2017. For that remaining period, the tax credit
10 33 shall be calculated in the same manner as a retail dealer whose
10 34 tax year began on the previous January 1 and who is calculating
10 35 the tax credit on December 31, 2017.



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11 1 Sec. 32. ADMINISTRATIVE RULES. The department of revenue
11 2 may adopt rules under chapter 17A prior to the effectiveness
11 3 and applicability of section 422.11P, and section 422.33,
11 4 subsection 11C, as amended in this division of this Act, due to
11 5 this division of this Act. The department's rules shall not
11 6 take effect earlier than January 1, 2012.

11 7 Sec. 33. EFFECTIVE DATES.

11 8 1. Except as provided in subsection 2, this division of this
11 9 Act takes effect July 1, 2011.

11 10 2. a. The section of this division of this Act authorizing
11 11 the department of revenue to adopt administrative rules takes
11 12 effect upon enactment.

11 13 b. The section of this division of this Act which provides
11 14 for tax credit availability for the 2011 calendar year under
11 15 2006 Iowa Acts, chapter 1142, section 49, subsection 5, being
11 16 deemed of immediate importance, takes effect upon enactment.

11 17 c. Section 422.11P, as amended in this division of this Act,
11 18 and section 422.33, subsection 11C, as amended in this division
11 19 of this Act, take effect on January 1, 2012.

11 20 Sec. 34. APPLICABILITY. Section 422.11P, as amended in this
11 21 division of this Act, and section 422.33, subsection 11C, as
11 22 amended in this division of this Act and applied due to this
11 23 division of this Act, apply to tax years beginning on and after
11 24 January 1, 2012.

11 25 DIVISION VI

11 26 RETAIL DEALERS ==== E=15 PLUS GASOLINE TAX CREDIT

11 27 Sec. 35. NEW SECTION. 422.11Y E=15 plus gasoline promotion
11 28 tax credit.

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11 29     1. As used in this section, unless the context otherwise
11 30 requires:
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11 31 a. "E=85 gasoline", "ethanol", "gasoline", "retail dealer",
11 32 and "retail motor fuel site" mean the same as defined in section
11 33 214A.1.

11 34 b. "Motor fuel pump" means the same as defined in section
11 35 214.1.



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12 1 c. "Sell" means to sell on a retail basis.
12 2 d. "Tax credit" means the E=15 plus gasoline tax credit as
12 3 provided in this section.
12 4 2. For purposes of this section, ethanol blended gasoline is
12 5 classified in the same manner as provided in section 214A.2.
12 6 3. The taxes imposed under this division, less the credits
12 7 allowed under section 422.12, shall be reduced by the amount
12 8 of the E=15 plus gasoline tax credit for each tax year that
12 9 the taxpayer is eligible to claim a tax credit under this
12 10 subsection.
12 11 a. In order to be eligible, all of the following must apply:
12 12 (1) The taxpayer is a retail dealer who sells and dispenses
12 13 qualifying ethanol blended gasoline through a motor fuel pump
12 14 located at the retail dealer's retail motor fuel site during
12 15 the calendar year or parts of the calendar years for which the
12 16 tax credit is claimed as provided in this section.
12 17 (2) The retail dealer complies with requirements of the
12 18 department established to administer this section.
12 19 b. The tax credit shall apply to ethanol blended gasoline
12 20 classified as provided in this section, if the classification
12 21 meets the standards provided in section 214A.2.
12 22 4. For a retail dealer whose tax year is on a calendar
12 23 year basis, the retail dealer shall calculate the amount of
12 24 the tax credit by multiplying a designated rate by the retail
12 25 dealer's total ethanol blended gasoline gallonage as provided
12 26 in sections 452A.31 and 452A.33 which qualifies under this
12 27 subsection.
12 28 a. In order to qualify for the tax credit, the ethanol
12 29 blended gasoline must be classified as E=15 or higher but not
12 30 classified as E=85.
12 31 b. The designated rate of the tax credit is as follows:
12 32 (1) For calendar year 2012, calendar year 2013, and calendar
12 33 year 2014, three cents.
12 34 (2) For calendar year 2015, calendar year 2016, and calendar
12 35 year 2017, two cents.



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13 1 5. For a retail dealer whose tax year is not on a calendar
13 2 year basis, the retail dealer shall calculate the tax credit
13 3 as follows:
13 4 a. If a retail dealer has not claimed a tax credit in the
13 5 retail dealer's previous tax year, the retail dealer may claim
13 6 the tax credit in the retail dealer's current tax year for that
13 7 period beginning on January 1 of the retail dealer's previous
13 8 tax year to the last day of the retail dealer's previous tax
13 9 year. For that period the retail dealer shall calculate the
13 10 tax credit in the same manner as a retail dealer who will
13 11 calculate the tax credit on December 31 of that calendar year
13 12 as provided in subsection 4.
13 13 b. (1) For the period beginning on the first day of the
13 14 retail dealer's tax year until December 31, the retail dealer
13 15 shall calculate the tax credit in the same manner as a retail
13 16 dealer who calculates the tax credit on that same December 31
13 17 as provided in subsection 4.
13 18 (2) For the period beginning on January 1 to the end of the
13 19 retail dealer's tax year, the retail dealer shall calculate
13 20 the tax credit in the same manner as a retail dealer who will
13 21 calculate the tax credit on the following December 31 as
13 22 provided in subsection 4.
13 23 6. a. A retail dealer is eligible to claim an E=15 plus
13 24 gasoline promotion tax credit as provided in this section even
13 25 though the retail dealer claims one or all of the following
13 26 related tax credits:
13 27 (1) The ethanol promotion tax credit pursuant to section
13 28 422.11N.
13 29 (2) The E=85 gasoline promotion tax credit pursuant to
13 30 section 422.110.
13 31 b. (1) The retail dealer may claim the E=15 plus gasoline
13 32 promotion tax credit and one or more of the related tax credits
13 33 as provided in paragraph "a" for the same tax year.
13 34 (2) The retail dealer may claim the ethanol promotion
13 35 tax credit as provided in paragraph "a" for the same ethanol



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14 1 gallonage used to calculate and claim the E=15 plus gasoline
14 2 tax credit.
14 3 7. Any credit in excess of the retail dealer's tax liability
14 4 shall be refunded. In lieu of claiming a refund, the retail
14 5 dealer may elect to have the overpayment shown on the retail
14 6 dealer's final, completed return credited to the tax liability
14 7 for the following tax year.
14 8 8. An individual may claim the tax credit allowed a
14 9 partnership, limited liability company, S corporation, estate,
14 10 or trust electing to have the income taxed directly to the
14 11 individual. The amount claimed by the individual shall be
14 12 based upon the pro rata share of the individual's earnings of a
14 13 partnership, limited liability company, S corporation, estate,
14 14 or trust.
14 15 9. This section is repealed on January 1, 2018.
14 16 Sec. 36. Section 422.33, Code 2011, is amended by adding the
14 17 following new subsection:
14 18 NEW SUBSECTION. 11D. The taxes imposed under this division
14 19 shall be reduced by an E=15 plus gasoline promotion tax credit
14 20 for each tax year that the taxpayer is eligible to claim the
14 21 tax credit under this subsection.
14 22 a. The taxpayer shall claim the tax credit in the same
14 23 manner as provided in section 422.11Y. The taxpayer may claim
14 24 the tax credit according to the same requirements, for the same
14 25 amount, and calculated in the same manner, as provided for the
14 26 E=15 plus gasoline promotion tax credit pursuant to section
14 27 422.11Y.
14 28 b. Any E=15 plus gasoline promotion tax credit which is in
14 29 excess of the taxpayer's tax liability shall be refunded or may
14 30 be shown on the taxpayer's final, completed return credited to
14 31 the tax liability for the following tax year in the same manner
14 32 as provided in section 422.11Y.
14 33 c. This subsection is repealed on January 1, 2018.
14 34 Sec. 37. TAX CREDIT AVAILABILITY. For a retail dealer who
14 35 may claim an E=15 plus gasoline promotion tax credit under



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15 1 section 422.11Y or 422.33, subsection 11D, as enacted in this
15 2 Act and amended in subsequent Acts, in calendar year 2017, and
15 3 whose tax year ends prior to December 31, 2017, the retail
15 4 dealer may continue to claim the tax credit in the retail
15 5 dealer's following tax year. In that case, the tax credit
15 6 shall be calculated in the same manner as provided in section
15 7 422.11Y or 422.33, subsection 11D, as enacted in this Act and
15 8 amended in subsequent Acts, for the remaining period beginning
15 9 on the first day of the retail dealer's new tax year until
15 10 December 31, 2017. For that remaining period, the tax credit
15 11 shall be calculated in the same manner as a retail dealer whose
15 12 tax year began on the previous January 1 and who is calculating
15 13 the tax credit on December 31, 2017.

15 14 Sec. 38. ADMINISTRATIVE RULES. The department of revenue
15 15 may adopt rules under chapter 17A prior to the effectiveness
15 16 and applicability of section 422.11Y, as enacted in this
15 17 division of this Act, and section 422.33, subsection 11D, as
15 18 enacted in this division of this Act and applied due to this
15 19 division of this Act. The department's rules shall not take
15 20 effect earlier than January 1, 2012.

15 21 Sec. 39. EFFECTIVE DATES.

15 22 1. Except as provided in subsection 2, this division of this
15 23 Act takes effect July 1, 2011.

15 24 2. a. The section of this division of this Act authorizing
15 25 the department of revenue to adopt administrative rules takes
15 26 effect upon enactment.

15 27 b. Section 422.11Y, as enacted in this division of this Act,
15 28 and section 422.33, subsection 11D, as enacted in this division
15 29 of this Act, take effect January 1, 2012.

15 30 Sec. 40. APPLICABILITY. Section 422.11Y, as enacted in this
15 31 division of this Act, and section 422.33, subsection 11D, as
15 32 enacted in this division of this Act and applied due to this
15 33 division of this Act, apply to tax years beginning on and after
15 34 January 1, 2012.

15 35

DIVISION VII



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16 1 RENEWABLE FUEL INFRASTRUCTURE ==== TRANSFER
16 2 OF AUTHORITY FROM DEPARTMENT OF ECONOMIC DEVELOPMENT
16 3 TO DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
16 4 Sec. 41. Section 15.104, subsection 8, paragraph j, Code
16 5 2011, is amended by striking the paragraph.
16 6 Sec. 42. Section 15G.201, subsection 2, Code 2011, is
16 7 amended to read as follows:
16 8 2. "Department" means the ~~Iowa department of economic~~
~~16 9 development created in section 15.105~~ department of agriculture
16 10 and land stewardship.
16 11 Sec. 43. Section 15G.202, subsection 2, paragraph c,
16 12 subparagraph (4), Code 2011, is amended to read as follows:
16 13 (4) The Iowa ~~motor truck association~~ biodiesel board.
16 14 Sec. 44. Section 15G.205, subsection 4, paragraph c, Code
16 15 2011, is amended to read as follows:
16 16 c. Notwithstanding section 8.33, unencumbered and
16 17 unobligated moneys remaining in the infrastructure fund at the
16 18 close of each fiscal year shall not revert but shall remain
16 19 available in the infrastructure fund ~~for expenditure for the~~
~~16 20 same purposes until the end of the fiscal year that begins July~~
~~16 21 1, 2011, at which time the unencumbered and unobligated moneys~~
~~16 22 remaining shall revert to the funds from which appropriated.~~
16 23 Sec. 45. Section 159.20, subsection 1, paragraph j, Code
16 24 2011, is amended to read as follows:
16 25 j. Provide for the promotion and expansion of renewable
16 26 fuels and coproducts, by doing all of the following:
16 27 ~~j.~~ (1) Assist the office of renewable fuels and coproducts
16 28 in administering the provisions of chapter 159A, subchapter I.
16 29 (2) Assist the renewable fuel infrastructure board, provide
16 30 for the administration of the renewable fuel infrastructure
16 31 programs, and provide for the management of the renewable fuel
16 32 infrastructure fund, as provided in chapter 159A, subchapter
16 33 II.
16 34 Sec. 46. Section 159A.2, unnumbered paragraph 1, Code 2011,
16 35 is amended to read as follows:



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17 1 As used in this ~~chapter~~ subchapter, unless the context
17 2 otherwise requires:
17 3 Sec. 47. TRANSITIONAL PROVISIONS ==== ADMINISTRATIVE
17 4 RULES. The rules adopted by the department of economic
17 5 development as codified in 261 IAC, chapters 311 through
17 6 314, shall continue in full force and effect until amended,
17 7 repealed, or supplemented by affirmative action of the
17 8 department of agriculture and land stewardship.
17 9 Sec. 48. TRANSITIONAL PROVISIONS ==== EMERGENCY
17 10 ADMINISTRATIVE RULEMAKING. The department of agriculture and
17 11 land stewardship may adopt emergency rules under section 17A.4,
17 12 subsection 3, and section 17A.5, subsection 2, paragraph "b",
17 13 to implement the provisions of this division of this Act, and
17 14 the rules shall be effective July 1, 2011, unless a later date
17 15 is specified in the rules. Any rules adopted in accordance
17 16 with this section shall also be published as a notice of
17 17 intended action as provided in section 17A.4.
17 18 Sec. 49. TRANSITIONAL PROVISIONS ==== ADMINISTRATIVE HEARINGS
17 19 OR COURT PROCEEDINGS. An administrative hearing or court
17 20 proceeding arising out of an enforcement action under chapter
17 21 15G pending on July 1, 2011, shall not be affected due to
17 22 this division of this Act. Any cause of action or statute
17 23 of limitations relating to an action taken by the department
17 24 of economic development shall not be affected as a result
17 25 of this division of this Act and such cause or statute of
17 26 limitation shall apply to the department of agriculture and
17 27 land stewardship.
17 28 Sec. 50. TRANSITIONAL PROVISIONS ==== REPLACEMENT ITEMS. A
17 29 replacement item, including but not limited to logos,
17 30 stationery, or insignia, that is made due to the effect of
17 31 this division of this Act shall be done as part of the normal
17 32 replacement cycle for such item.
17 33 Sec. 51. TRANSITIONAL PROVISIONS ==== TRANSFER OF RECORDS.
17 34 1. The department of economic development shall provide the
17 35 department of agriculture and land stewardship with records



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18 1 necessary to administer and enforce chapter 15G, subchapter
18 2 II, including sections of the subchapter amended by this Act,
18 3 and rules adopted by the department of economic development
18 4 pursuant to that subchapter.
18 5 2. The transfer described in subsection 1, shall be
18 6 accomplished by June 15, 2011, unless the department of
18 7 economic development and the department of agriculture and land
18 8 stewardship agree to a different date in 2011.
18 9 Sec. 52. TRANSITIONAL PROVISIONS ==== OUTSTANDING CONTRACTS.
18 10 1. The department of economic development shall assign
18 11 and the department of agriculture and land stewardship
18 12 shall assume all outstanding cost=share agreements executed
18 13 by the department of economic development pursuant to the
18 14 renewable fuel infrastructure program for retail motor fuel
18 15 sites as provided in section 15G.203 and the renewable fuel
18 16 infrastructure program for biodiesel terminal facilities as
18 17 provided in section 15G.204.
18 18 2. The assignment and assumption of the cost=share
18 19 agreements described in subsection 1 shall be effective on July
18 20 1, 2011, unless the department of economic development and
18 21 the department of agriculture and land stewardship agree to a
18 22 different date in 2011.
18 23 Sec. 53. TRANSITIONAL PROVISIONS ==== RENEWABLE FUEL
18 24 INFRASTRUCTURE BOARD. The department of economic development
18 25 and the department of agriculture and land stewardship shall
18 26 jointly consult with the renewable fuel infrastructure board
18 27 as created in section 15G.202, as amended by this Act, when
18 28 effectuating the transitional provisions of this division of
18 29 this Act.
18 30 Sec. 54. TRANSFER OF SECTIONS. Chapter 15G, subchapter
18 31 II, is transferred to chapter 159A, new subchapter III.
18 32 Chapter 159A, subchapter I, shall include section 159A.1, Code
18 33 2011. Chapter 159A, subchapter II, shall include all of the
18 34 following: section 159A.2, Code 2011, as amended by this Act;
18 35 and sections 159A.3 through 159A.8, Code 2011. Chapter 159A,



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19 1 subchapter III, shall include all of the following: sections
19 2 15G.201, 15G.201A, and 15G.202, Code 2011, as amended by this
19 3 Act; sections 15G.203 and 15G.204, Code 2011; section 15G.205,
19 4 Code 2011, as amended by this Act; and section 15G.206, Code
19 5 2011.

19 6 Sec. 55. EFFECTIVE DATES.

19 7 1. Except as provided in subsection 2, this division of this
19 8 Act takes effect on July 1, 2011.

19 9 2. a. The section of this division of this Act amending
19 10 section 15G.202, subsection 2, paragraph c, subparagraph (4),
19 11 takes effect upon enactment.

19 12 b. The section of this division of this Act amending
19 13 section 15G.205, subsection 4, paragraph c, takes effect upon
19 14 enactment.

19 15 c. The sections of this division of this Act which include
19 16 transitional provisions to accomplish the transfer of powers
19 17 and duties of the department of economic development to the
19 18 department of agriculture and land stewardship, being deemed
19 19 of immediate importance, take effect upon enactment. As used
19 20 in this paragraph, such transitional provisions are limited to
19 21 those uncodified sections of this division of this Act which
19 22 provide for the transfer of powers and duties by the department
19 23 of economic development associated with chapter 15G, subchapter
19 24 II, including those sections in subchapter II as amended or
19 25 transferred to chapter 159A by this Act.

19 26 DIVISION VIII

19 27 BIODIESEL PRODUCTION REFUND

19 28 Sec. 56. Section 422.7, Code 2011, is amended by adding the
19 29 following new subsection:

19 30 NEW SUBSECTION. 54. Subtract, to the extent included, the
19 31 amount of any biodiesel production refund provided pursuant to
19 32 section 423.4.

19 33 Sec. 57. Section 422.35, Code 2011, is amended by adding the
19 34 following new subsection:

19 35 NEW SUBSECTION. 25. Subtract, to the extent included, the



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20 1 amount of any biodiesel production refund provided pursuant
20 2 section 423.4.
20 3 Sec. 58. Section 423.4, Code 2011, is amended by adding the
20 4 following new subsection:
20 5 NEW SUBSECTION. 9. A person who qualifies as a biodiesel
20 6 producer as provided in this subsection may apply to the
20 7 director for a refund of the amount of the sales tax imposed
20 8 and paid upon purchases made by the person.
20 9 a. The person must be engaged in the manufacturing
20 10 of biodiesel who has registered with the United States
20 11 environmental protection agency as a manufacturer according to
20 12 the requirements in 40 C.F.R. {79.4. The biodiesel must be
20 13 for use in biodiesel blended fuel in conformance with section
20 14 214A.2. The person must comply with the requirements of this
20 15 subsection and rules adopted by the department pursuant to this
20 16 subsection.
20 17 b. The amount of the refund shall be calculated by
20 18 multiplying a designated rate by the total number of gallons
20 19 of biodiesel produced by the biodiesel producer in this state
20 20 during each quarter of a calendar year. The designated rate
20 21 shall be as follows:
20 22 (1) For the calendar year 2012, three cents.
20 23 (2) For the calendar year 2013, two and one-half cents.
20 24 (3) For the calendar year 2014, two cents.
20 25 c. A biodiesel producer shall not be eligible to receive
20 26 a refund under this subsection on more than twenty-five
20 27 million gallons of biodiesel produced each calendar year by
20 28 the biodiesel producer at each facility where the biodiesel
20 29 producer manufactures biodiesel.
20 30 d. A person shall obtain a refund by completing forms
20 31 furnished by the department and filed by the person on a
20 32 quarterly basis as required by the department. The department
20 33 shall refund the amount claimed by the person after subtracting
20 34 any amount owing from the sales or use taxes imposed and paid
20 35 upon purchases made by the person.



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21 1 e. This subsection is repealed on January 1, 2015.
21 2 Sec. 59. EFFECTIVE DATE. This division of this Act takes
21 3 effect January 1, 2012.

21 4 EXPLANATION

21 5 GENERAL. This bill provides for the regulation and
21 6 promotion of renewable fuels, including ethanol used in the
21 7 formulation of gasoline containing various percentages of
21 8 fuel grade alcohol and biodiesel used in the formulation of
21 9 diesel fuel containing various percentages of oils or fats.
21 10 Renewable fuel is classified according to those designations.
21 11 For example, E=10 contains between 9 and 10 percent ethanol,
21 12 E=15 contains at least 15 percent ethanol but is not classified
21 13 as E=85. E=85 contains between 70 and 85 percent ethanol,
21 14 B=2 contains 2 percent biodiesel, and B=5 contains 5 percent
21 15 biodiesel (Code section 214A.2). The bill concerns retail
21 16 dealers of renewable fuels (persons selling a renewable fuel on
21 17 a retail basis) and biodiesel producers. The bill addresses
21 18 the following state agencies: the department of agriculture
21 19 and land stewardship (DALS), the department of revenue (DOR),
21 20 and the department of economic development (DED).

21 21 RETAIL DEALERS == MOTOR FUEL STANDARDS. DALS regulates
21 22 standards for motor fuel based on specifications promulgated
21 23 by A.S.T.M. international (Code section 214A.2). The bill
21 24 provides a new standard for biodiesel blended fuel classified
21 25 from B=6 to B=20 based on A.S.T.M. international specification
21 26 D7467.

21 27 RETAIL DEALERS == LIABILITY. The bill provides that a
21 28 retail dealer regulated under Code chapter 214A is not liable
21 29 for damages caused to a motor by the use of an incompatible
21 30 motor fuel (e.g., the use of E=85 gasoline in a conventional
21 31 gasoline=powered motor). The bar against liability depends
21 32 upon the satisfaction of certain conditions: (1) the motor
21 33 fuel must meet legal specifications, (2) the retail dealer
21 34 cannot have selected it for use in the motor, and (3) the
21 35 dispensing pump must be correctly labeled.



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22 1 RETAIL DEALERS == TAX CREDITS. The bill amends a number of
22 2 existing tax credits and creates a new tax credit for retail
22 3 dealers who sell and dispense renewable fuel. A tax credit
22 4 is calculated on a calendar year basis regardless of whether
22 5 the tax credit is claimed on a retail dealer's calendar year
22 6 or noncalendar year's tax return. The tax credits apply to
22 7 individual and corporate tax filers. The changes to the
22 8 current tax credits and the new tax credit all take effect on
22 9 January 1, 2012, and apply to tax years on or after that date.
22 10 ETHANOL PROMOTION TAX CREDIT. The bill amends the ethanol
22 11 promotion tax credit (Code sections 422.11N and 422.33,
22 12 subsection 11A). The tax credit is calculated and claimed on
22 13 100 percent ethanol used in ethanol blended gasoline sold and
22 14 dispensed by a retail dealer as ethanol blended gasoline.
22 15 Under current law, the tax credit rate depends upon the
22 16 retail dealer's total ethanol gallonage plus the retail
22 17 dealer's total biodiesel gallonage (referred to as the retail
22 18 dealer's biofuel distribution percentage). There are two
22 19 tax credit schedules based on the dealer's biofuel threshold
22 20 percentage: the first schedule applies to retail dealers who
22 21 sell and distribute more than 200,000 gallons of motor fuel in
22 22 a calendar year (determination period) and the second schedule
22 23 applies to retail dealers who sell 200,000 gallons or less of
22 24 motor fuel in the same determination period. The tax credit is
22 25 eliminated on January 1, 2021.
22 26 The bill adjusts the tax credit rates for retail dealers who
22 27 either meet or do not meet the applicable biofuel threshold
22 28 percentage for a determination period. The tax credit rate
22 29 is increased from 6.5 to 8 cents for a determination period
22 30 in which the retail dealer attains the biofuel threshold
22 31 percentage. The tax credit rate is increased from 4.5 to 6
22 32 cents or from 2.5 to 4 cents for a determination period in
22 33 which the retail dealer fails to attain the biofuel threshold
22 34 percentage. The bill also allows a retail dealer to calculate
22 35 the tax credit based on a site=by=site basis (each individual



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23 1 motor fuel site operated by a retail dealer) or a company=wide
23 2 basis (all motor fuel sites operated by a retail dealer)
23 3 assuming that the retail dealer's biofuel threshold percentage
23 4 is calculated on a company=wide basis. The bill also amends
23 5 provisions requiring retail dealers to report motor fuel
23 6 gallonage to DOR, by specifically recognizing site=by=site or
23 7 company=wide reporting.
23 8 E=85 GASOLINE PROMOTION TAX CREDIT. The bill amends the
23 9 E=85 promotion tax credit (Code sections 422.110 and 422.33,
23 10 subsection 11B) based on the total gallons of E=85 gasoline
23 11 sold and dispensed by the retail dealer. The bill eliminates
23 12 the current declining tax credit rate schedule allowing for 25
23 13 cents per gallon of E=85 gasoline in calendar year 2006 to 1
23 14 cent in calendar year 2020, and fixes the tax credit rate at a
23 15 constant 16 cents for each calendar year until the end of 2017.
23 16 RETAIL DEALERS == BIODIESEL BLENDED TAX CREDIT. The bill
23 17 amends the biodiesel blended fuel tax credit based on the total
23 18 gallons of biodiesel blended fuel sold and dispensed (Code
23 19 sections 422.11P and 422.33, subsection 11C). Currently, the
23 20 tax credit is multiplied by taking a constant (designated)
23 21 rate multiplied by the number of gallons of B=2 or higher sold
23 22 and dispensed. The tax credit is due to expire at the end of
23 23 calendar year 2011.
23 24 The bill eliminates an eligibility requirement specifying
23 25 that of all gallons of diesel fuel sold and dispensed by a
23 26 retail dealer, 50 percent or more must be biodiesel blended
23 27 fuel. It establishes a two=tiered tax credit rate system for
23 28 calendar year 2012 based on whether the retail dealer sold or
23 29 dispensed B=2 through B=4 or B=5 and higher. The designated
23 30 rate for B=2 through B=4 is 2 cents and the designated rate for
23 31 B=5 and higher is 4.5 cents. Beginning in calendar year 2013,
23 32 the tax credit rate is only calculated on B=5 and higher. The
23 33 tax credit is extended until the end of calendar year 2017.
23 34 E=15 PLUS GASOLINE PROMOTION TAX CREDIT. The bill creates
23 35 an E=15 plus gasoline promotion tax credit which is calculated



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24 1 on the total gallons of ethanol blended gasoline, classified
24 2 as E=15 and higher but not E=85, sold and dispensed by a retail
24 3 dealer (new Code sections 422.11Y and 422.33, subsection 11D).
24 4 The amount of the tax credit equals a constant (designated)
24 5 rate multiplied by the total number of gallons of E=15 or
24 6 higher sold and dispensed by the retail dealer. A designated
24 7 rate of 3 cents applies for calendar years 2012 through 2014
24 8 and a designated rate of 2 cents applies for calendar years
24 9 2015 through 2017. The tax credit expires at the end of
24 10 calendar year 2017.

24 11 RENEWABLE FUEL INFRASTRUCTURE. The bill amends provisions
24 12 which establish a renewable fuel infrastructure board
24 13 (Code section 15G.202) which includes members representing
24 14 agricultural producers, petroleum refiners, petroleum
24 15 marketers, petroleum equipment contractors, the trucking
24 16 industry, insurers, and the renewable fuels industry. The
24 17 board is housed within DED. The board, with assistance
24 18 from DED, is responsible for administering two programs:
24 19 the renewable fuel infrastructure program for retail motor
24 20 fuel sites (Code section 15G.203) and the renewable fuel
24 21 infrastructure program for biodiesel terminal facilities (Code
24 22 section 15G.204). The programs are supported by a renewable
24 23 fuel infrastructure fund (Code section 15G.205).

24 24 The bill replaces a board member representing the Iowa motor
24 25 truck association with a member representing the Iowa biodiesel
24 26 board. The bill eliminates a provision that requires the
24 27 reversion of moneys credited to the fund to their originating
24 28 sources, including the Iowa comprehensive petroleum underground
24 29 storage tank fund (2006 Iowa Acts, ch. 1175). The bill also
24 30 transfers administration of the programs and the fund to DALS,
24 31 and includes a number of transitional provisions to accomplish
24 32 the transfer.

24 33 BIODIESEL PRODUCERS == SALES TAX REFUND CALCULATED ON
24 34 PRODUCTION. The bill allows a biodiesel producer to apply
24 35 to DOR for a sales tax refund (Code section 423.4). The



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25 1 person must be engaged in the manufacturing of biodiesel for
25 2 use in biodiesel blended fuel meeting state standards (Code
25 3 section 214A.2), and must be registered with the United States
25 4 environmental protection agency as a manufacturer.
25 5 The amount of the refund is calculated by multiplying a
25 6 constant (designated) rate by the total number of gallons of
25 7 biodiesel produced by the biodiesel producer in this state
25 8 during each quarter of a calendar year. The designated rate
25 9 declines for each calendar year beginning in 2012 and ending
25 10 in 2014. The biodiesel producer cannot claim a refund on more
25 11 than 25 million gallons of biodiesel produced each calendar
25 12 year at each facility where manufacturing occurs. The sales
25 13 tax refund expires at the end of the 2012 calendar year. A
25 14 refund is excluded from the biodiesel producer's net income.

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